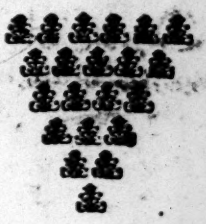
THE

SECOND PART

OF

No Protestant Plot.

By the same Hand.



LONDON:

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AS the Law is both the Measure and Bond of the Subjects Duty and Allegiance, so it is not only the best security which they have to trust unto for their peace and safety, and the established fence and hedg for the protection of their lives and properties; but it was intended, and always ought to be the Rule and Standard by which the Prince is to defend and govern his people. And as Subjects are obliged by their Interest, as well as by the ties of Conscience, to honour and maintain all due *Allegiance* to their Supreme Governours; so Rulers are not only bound by the *Stipulation* which they have made with their people, but by the respect which they bear to the preservation of the Constitution and the Safety of their Crowns and Dignities, to preserve and defend all those in their Persons and Fortunes, who decline not from the Duties of Loyalty and Fealty which the Law requires of them. Nor can any sort of men design a more fatal mischief against their Prince, and the stability of his Throne, than to advise him to exclude a company of Innocent persons, from the benefit and protection of the Law; or by an usurpation upon the Kings Authority, to attempt the doing it themselves. For this were in effect, to cancel all bonds, by which Subjects are tyed to their Prince; & destroy all *Pleas* & Arguments, which may influence their Consciences to obedience and subjection. And whensoever Laws cease to be a security unto men, they will be sorely tempted to apprehend them-

themſelves caſt into a ſtate of War, and juſtified in having recourſe tothe beſt means they can for their ſhelter and defence. But bleſſed be God, his Majeſty is ſo good, as well as ſo wiſe, neither to entertain any ſuch thought in his own breaſt, nor to connive at ſuch barbarous propoſals in others, ſhould any have the impudence as well as diſloyalty to ſuggeſt them. And therefore beſides the confidence which all his Majeſties *Leige*-people place in his Coronation Oath, and his many reiterated promiſes and proteſtations, that he will always govern his Subjects according to Law; the alone conſideration of his wiſdom, renders them fully aſſured, that he neither will, nor can do otherwiſe.

But though it would be a very miſchievous thing in its ſelf, and extremely dangerous to any Government, to exclude Loyal Perſons from the benefit and ſecurity which they have from the Laws of the Conſtitution where they live; yet the perverting that to the ruine of the Subject, which was both deſigned for, and which he relied upon for his preſervation, is not only more diſhonourable to Rulers, but infinitely more pernicious to the people, than that would be. For to tell obedient and Loyal Perſons, that they are to eſteem themſelves as *outlaws*, and that they muſt expect to be treated as *Banditi*, though it would be moſt unjuſt, and might, if love to their Country did not prevent, prove very unſafe to a Government in the iſſue; yet even this would both leave men an opportunity, and give them a warning to withdraw to ſome other place, where they might promiſe themſelves more humane and upright dealing: but to aſſure men of the protection of Laws, and yet apply thoſe Laws to the ruine of the innocent, is that which leaves no man ſafe, and at the ſame time by concealing his danger, hindreth his endeavouring an eſcape. Nor

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is either the poyſoning or aſſaſſinating men, half ſo bad, as the ſtudying to deſtroy them in a pretended legal way, upon the Teſtimony and Oaths of ſuborned and prejured Raſcals. For whereas care and watchfulneſs may contribute ſomething to our ſecurity againſt a mortal *doſe* or *ſtab*; we are, in caſe ſubornation and perjury be connived at, left at the mercy of every Villain, nor will the diſcreeteſt conduct be any means of our ſafety. Beſides, ſhould it come to be any mans misfortune to be deſtroyed by a *Stilletto* or a peſtiferous *Drug*; he would not only die pitied, but without a taint or ſtain upon his Name; and withal would convey a right to his Poſterity to inherit his Poſſeſſions; whereas ſhould the moſt innocent perſon be cut off through perjury, under the charge and imputation of Treaſon, he would not only periſh unlamented with a perpetual brand of infamy upon his Name, but leave his offspring ſhut out from enjoying the inheritance of their Anceſtors, as well as deprived of the fruits of their Fathers care and labour. And therefore if the *French* King hath in order to reſtraining and puniſhing the poyſonings practiſed in his Dominions, appointed and erected a Court that ſhall enquire into that Crime, and adjudge Offenders to a deſerved puniſhment; we may ſurely hope from the juſtice of the King of *England*, that he will command his Courts of Law, either themſelves to make a due ſearch into this more deteſtable villany of ſwearing men out of their Lives and Eſtates by hired and ſuborned Raſcals; or at leaſt to require them to give all due protection and countenance to ſuch as ſhall be ready to make a diſcovery of it; and that the Judges ſhall impartially execute the Laws againſt all thoſe who upon full and convincing proof, ſhall be found criminal.

And as all men who have not renounced their Reaſon as well as forfeited their Conſcience, do perfectly underſtand who were the Authors of this pretended *Proteſtant* Plot; ſo it is as eaſie to conjecture what advantages ſeveral ſorts of perſons have promiſed themſelves by it. For tho' they do vaſtly differ in their ends, yet they all agree, that this is the moſt proper and effectual means to compaſs and accompliſh what they ſeverally aim at. In the firſt place, they who adviſed the Diſſolution of the laſt Parliament, do by obtruding upon the world the belief of a *Proteſtant Plot*, hope to juſtifie their Wiſdom and Loyalty in giving His Majeſty ſo unſeaſonable and pernicious Counſel. For as they cannot but obſerve, that that effort of Royal Power, which they put the King upon, hath 'tis feared, diminiſhed the confidence which the people put in his Prudence and Conduct, and not only embroiled his affairs at home, but leſſened his Intereſt and Reputation abroad; ſo they could think of no other means to vindicate themſelves from the many imputations which they lye under, for influencing His Majeſty to ſo haſty and prejudicial an act of Prerogative and Royal Authority, but by aſcribing it unto an indiſpenſable Neceſſity, occaſioned by a Conſpiracy of ſeiſing His Perſon. And the leſs they find His Majeſty conſidered both by his Friends and his Enemies ſince that time, the more are they neceſſitated to promote by all imaginable Arts the belief of a Plot, for the Depoſing the King and altering the Government, as judging that nothing elſe will expiate for an Offence attended with ſo many direful conſequences, not only towards theſe three Kingdoms, but all *Europe*. Beſides, their Ambition being boundleſs, and ſome of their Fortunes not proportionate to their Pride and the port they live at; they hop'd by the Forfeiture of *Proteſtants* Eſtates,

ſtates, both to ſatisfie their own vaſt deſires, and entail Inheritances upon their Poſterity, anſwerable to the Titles they intend to convey to them. And whereas they and divers other perſons dread nothing ſo much as another Parliament, knowing how obnoxious they are to the Juſtice of the firſt that comes, they conceived that the Neceſſities of the Crown would be ſo plentifully ſupplied out of the Eſtates of Peers and Gentlemen, whom they deſigned to get condemned upon this forged Conſpiracy, that His Majeſty ſhould never be in any ſuch diſtreſs, as to be obliged by the exigency of his Affairs, and the craving of his Exchequer, to call one. And they were firmly reſolved that while they had His Majeſties ear, provided they could redeem Him from the importunity of want, no other motive ſhould ever be effectual to obtain the meeting of an Aſſembly, from which they expect ſome fatal Doom.

In the next place, there are others who have been long travelling with Deſigns of making the Crown Arbitrary, and the King Deſpotical; but finding themſelves unable to effect it, while the Treaſure is not anſwerable to the charge and expence that ſuch an undertaking doth require; they alſo joined in the promoting the belief of this Plot, reckoning to have gotten ſo many *Proteſtant* Peers and Gentlemen convicted of this new and forged Treaſon, as (were we not ſecure from his Majeſties Goodneſs, as well as his Truth and Juſtice, that he will never attempt the enſlaving his people) might empower the King to form and maintain Armies that ſhould be ſufficient to trample upon the Rights and Liberties of his Subjects, and make him at his pleaſure Maſter of what they have. The regret with which ſome beheld the Diſbanding the *Black-heath* Army, and the language which they beſtowed upon his Majeſty

for

for his gracious condeſcending to diſcharge a Force which they wiſhed had been employed to ſubjugate his people, leads us to believe, that they alſo are in the number of the Fomenters of an opinion of a *Proteſtant Plot*, as thinking thereby to retrieve the Deſign which was then abandoned and loſt. And though they deſpair of prevailing upon his Majeſty to countenance an attempt which would at once rob Him of his Honour and the Love of his People; yet they perſwade themſelves, that the obtaining credit to a *Proteſtant Plot*, would render this atchievement the more facil and eaſie to the Preſumptive Heir, whoſe Religion obligeth him to extirpate *Proteſtants*, and whoſe temper byaſeth him to be ſevere over all whom he is advanced to Govern.

The laſt ſort of perſons who expected to have ſerved themſelves, and promoted their Intereſt by the belief of this Sham *Proteſtant-Plot*, are the *Papiſts*, and all ſuch who by vertue either of their Religion, or out of hopes of Gain and Preferment, had embarqued in the late *Romiſh* Conſpiracy. And as theſe were the firſt and principal Forgers of this pretended *Proteſtant Plot*, ſo of all men they propoſed to themſelves the greateſt advantages by having credit given unto it. For as by the entertainment which they meet with in the Intervals of Parliament, they apprehend nothing to be feared but the meeting of the great Inqueſt, High Council, and Supreme Judicature of the Nation; So they wiſely conceived that nothing would in more likelihood render his Majeſty jealous of their Aſſembling, than to poſſeſs him, that the leading-men of the laſt Parliament intended to depoſe him.

And

And beſides, they hop'd that the belief of this Sham-Plot would ſilence all diſcourſe of their Real one. Nay, they queſtion'd not but that the impoſing this deſign of Proteſtants againſt the King, upon the faith of the Nation, would have made moſt men inclinable to think that all charged upon themſelves was only to make the Papiſts odious to his Majeſty and the Kingdom. And by creating in his Majeſty by this forged Conſpiracy a diſtruſt of his Proteſtant ſubjects, they reckoned that they ſhould oblige him in order to his own ſecurity, to have placed all his truſt and confidence in them. And could they once impoſe upon the King, that the Proteſtants have deſigned to deſtroy him, they know that this would be the ready way to deprive him of the love of all thoſe of the Reformed and Eſtabliſhed Religion; ſeeing and knowing themſelves innocent, they muſt needs judg that they were not only injured by the entertainment of ſuch an opinion concerning them, but that ſuch a thought could be harboured of them for no other end but in relation to have the principal of them cut off, and all the reſt either weakned or made obnoxious to ſevere oppreſſion. Yea, could they once leſſen the peoples concernment for his Majeſties Life and Safety, how ready would they be, and that without any apprehenſion of hazard to themſelves, to remove or Murder him, that ſo they might advance his Brother into his Throne, in whom they place all their confidence for the re-eſtabliſhing of the Papal Superſtition and Idolatry in theſe Kingdoms.

Nor could the Contrivers and Promoters of this Sham Proteſtant Plot, have ever fallen or lived in an Age more adapted and ſuited to their Deſign, foraſmuch as it is beyond any other, repleniſh'd with perſons prepared and inclined to ſwear whatſoever they ſhall be Suborned and Hi-

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red unto. For there are ſo many ſunk into all wickedneſs and profligacy, that it is but to accoſt them with the promiſe of a good Reward, and you may prevail upon them to the perpetrating what Villany you pleaſe. Can we think but that among the many who blaſpheme God, and dare him to damn them a hundred times a day for nothing, there ſhould ſome be found that will venture upon damnation in the next world, for a Penſion, or the hopes of ſome preferment in this? Will ſuch as *Smith*, who bid *God damn the Goſpel*, when tempted by a Juſtices promiſe of the next Deanry, make any ſcruple of ſwearing falſly upon it? Or will he that boaſted that if he pleaſed *he could prove God Almighty a fool*, as the ſame *Smith* did, ſtand in any fear of ſwearing falſly by his Name? Or can *he* and *Turbervile* deſerve credit with any men for the future, having ſlandered Dr. *Lower* to the world, as if he had acknowledged to them his wronging *Dugdale* by ſaying he had the POX, when the Dr. had both affirmed and juſtified in the preſence of the King and Council his having of it? Nor will any men of ſenſe believe that the Dr. ſhould deny that to them, which he had before owned and atteſted to his Majeſty and the Board. In a word, Is it to be imagined, that they who are guilty of Cheating, Coining, Clipping, Polygamy, Theft, Burglary, Murder, all which offences make men liable to the Gallows, ſhould be afraid of being guilty of Perjury, which makes them only obnoxious to a Pillory? Now that the *Macknamarra's*, *Haynes*, *Ivy*, *Dennis*, *Carr*, *Booth*, Sir *James Hayes*, and a Gentleman whoſe Employ lies below the Bridg, whom for ſome reaſons at preſent I forbear to name, beſides ſeveral others who ſtand liſted in the Regiſter of Witneſſes concerning a Proteſtant Plot, are all of them guilty of one or more of theſe horrid crimes,

crimes, is known to divers persons of unquestionable credit, and will be made good whe nsoever the Earl of *Shaftsbury*, or any other against whom they are produced, shall be brought upon their Trial.

Nor is it difficult to conceive how much *W——p*, *Fitzgerald*, *Booth*, *Bains*, and the other little suborning Tools, are advantaged in their prevailing upon mean, indigent and criminal Fellows, by addressing them under the authority of great and honourable Names, and by pawning the faith and honour of Noble persons to ensure Pardons and Rewards to whosoever will depose and swear what shall be dictated unto them. For besides the power that the offers of money have upon base and mercenary souls, the conceit that they shall become the Darlings and Favourites of great Ministers, provided they will but swear such a one out of his life, is a temptation that creatures destin'd by Nature and Education to be Grooms or Footmen, know not how to withstand. And truly the world hath been expecting whether my Lord *H.* and the Earl of *H.* would not have called *W——p* and *Booth* to an account by what warrant they made their Names a lure to draw in men to perjure themselves, and by what commission they were empower'd to dispose of their Lordships favour and friendship in the service and for the encouragement of so Villanous designs. And we had thought, that tho' neither the preservation of the lives of innocent Protestants, nor the upholding the honour of the Government, might deserve so great a kindness at their hands, as impartially and truly to enquire whether their Names have been used to contribute and give success to so wicked an attempt as the suborning men to destroy the guiltless by perjury, is every where held and accounted; yet that they would have

See *No Protest. Plot*, p. 23, 25. and Mr. *Wilkinson's* Information, p. 4, 5.

done ſomething in it out of a regard to their own ſafety, as well as for maintaining that credit and reputation which both their Quality, and the Figure which they make in the State, ought to make them careful and tender of. But as they do beſt know what courſe is moſt convenient for their Lordſhips to take, ſo they will have no reaſon to be angry if men in the mean time form ſuch a judgment unto themſelves of this whole Tranſaction, as the Informations and Depoſitions of perſons moſt duly of known honeſty, but upon their Oaths do guide and determine them unto.

Another thing which hath greatly contributed to the ſucceſs of the Papal Factors in their obtaining Witneſſes to ſwear this forged Conſpiracy, is their having applied themſelves unto, and dealt with men, either pinched with want, or labouring under ſome diſtreſs, or who at the beſt were but of a ſcant and narrow Fortune. Accordingly, not only perſons ſtraitned in their condition of living, and ſuch as have been forced to abſcond from their creditors, have been by promiſes and bribes to enrol themſelves in the number of Witneſſes to ſwear a *Proteſtant Plot*; but the very priſons where Criminals, as well as where Debtors are confined, have been ranſack'd and ſearcht, to ſee who could be found that under the aſſurance of pardon of their crimes, payment of their debts, and being raiſed into a condition of living plentifully, would liſt and engage himſelf in this Forſwearing Service. It was from a priſon that they fetch and ranſom'd Mr. *Dangerfield*, in order to the managing and proving of the *Meal-tub Plot*, in the guilt and danger whereof, the moſt Loyal Subjects and beſt Proteſtants of the Kingdom were deſigned to have been involved; and it is in Priſons that they have been hunting for Witneſſes, the ſecond Impreſſion, but in another Form, of the ſame for-

forged Conſpiracy. And their Miſadventures with ſome, whoſe Impriſonment and Neceſſities they ſuppoſed would render them pliable to all they would require of them, eſpecially conſidering the terms they were authoriſed to propoſe, may ſerve to inſtruct us what kind of perſons they have uſed to trade amongſt, for the obtaining of Evidence againſt *Proteſtants*. For as their application to Capt. *Wilkinſon*, who lies a Priſoner for Debt in the *Kings Bench* in *Southwark*, and their endeavouring by taking advantage from his condition, by large Promiſes to corrupt him to Swear againſt the Ear of *Shaftſbury*, plainly tell us, with men of what condition they have uſed to deal, and by what means and arguments they have been ſo ſucceſsful in procuring Witneſſes to Depoſe againſt that Noble Lord; ſo it will be matter of perpetual Honour and Praiſe to the Loyal, as well as honeſt Captain, that no Temptations from thoſe villanous men that accoſted him in a Priſon, neither any conſideration of the diſtreſs that himſelf and Family were in, could corrupt him to ſo wicked a thing, as the accuſing that Honourable Perſon falſely of Treaſon. Yea, are not moſt of the Witneſſes, who have hitherto appeared to prove a *Proteſtant Plot*, a company of poor neceſſitous Fellows, who by by their own acknowledgment, as well as the obſervation of the whole world, wanted bread? For beſides thoſe mentioned elſewhere, whoſe Debauchery had reduced them to Poverty, and whoſe Poverty diſpoſed them to engage in any wickedneſs for Money, we may add *Hay*'s and *Booth*, two Witneſſes lately entred into the ſame Service, out of mere hopes to be enabled thereby to feed their Luxury and Riot, as well as to conquer their Neceſſities and Wants. For this *Hays* who pretends himſelf to be a Knight, and

See Capt. *Wilkinſon*'s Information.

See *No Proteſtant Plot*, P. 26, 27.

who hath ſworn Treaſon againſt Mr. *Wilſon*, My Lord *Shaftsbury*'s Servant, and as is thought, merely in deſign to have made him accuſe his Lord; he is known through all *London*, not only to be a moſt infamous perſon, by reaſon of Cheats put upon Merchants and others; but to have been reduced to the greateſt ſtraits imaginable, ſo that he was forced to abſcond becauſe of Crimes and Debts. And as for *Booth*, who hath ſworn Treaſon againſt Capt. *Wilkinſon*; in revenge for his refuſing to accuſe the Earl of *Shaftsbury*, he is both a fellow whoſe wickedneſs had brought him to a morſel of bread, and one who had ere this been Hanged for Coyning and Murder, if His Majeſty had not vouchſafed him his gracious Pardon.

But to all their other Arts and Methods of obtaining Witneſſes to ſupport the belief of a *Presbyterian*, or *Proteſtant Plot*, they have one more, which in a moſt eſpecial manner deſerveth the abhorrence of all mankind; becauſe it leaves no man ſafe that they have the boldneſs and impudence to tempt and accoſt. For as ſoon as they find that any whom they have endeavoured to corrupt and ſuborn, are of more Uprightneſs and Integrity than they apprehended, or were made to believe; they immediatly involve them in Trouble and Danger, by advancing ſome Accuſation or Charge againſt them. For if a perſon to whom they have addreſſed themſelves in this matter, and by Wheedle and large Promiſes laboured to Suborn, have either the Wiſdom, the Vertue, or Grace to ſcorn their offers and importunities, they do then either by themſelves, or by ſuch whom they have debauched or corrupted to be implicitly and univerſally at their command, ſwear Treaſon or Subornation againſt them. So that if one will not offend God, wrong his Neighbour, and damn his own Soul, in complying to

be a falſe witneſs and perjure himſelf, he ſhall be Depoſed againſt, as one guilty of ſome horrid Crime againſt his Majeſty and the Government. Thus when Juſtice *W——p* could not corrupt Mr. *Everard* to ſwear, *That my Lord* Shaftsbury *intended a Commonwealth, and that he with others were preparing Arms to alter the Conſtitution*; he immediately gets the poor young Gentleman to be charged with I know what Crimes againſt His Majeſty, his Crown and Dignity, and Warrants to be iſſued forth to apprehend him. And in the ſame manner is Capt. *Wilkinſon* ſerved; for when *Booth* and *Bayns* could not prevail upon him to forſwear himſelf, in order to the deſtroying my Lord *Shaftsbury*; *Booth* (who had he received his Demerit, had been as certainly Hanged for Murder and Treaſon, as he was by his *Dioceſan* turn'd out of his Eccleſiaſtical Living for ſcandalous Villanies and Miſdemeanors) undertakes and is admitted to Swear Treaſon againſt him. Thus likewiſe one Mr. *Puckle*, a perſon often employed in his Majeſties Service, and who hath been always ſaid to have acquitted himſelf with Fidelity and Diligence, yet becauſe he would not accuſe the Earl of *Shaftsbury* and my Lord *Howard* of Treaſonable Deſigns againſt the King and Government, and of their having correſponded with him in purſuance thereof; he is therefore accuſed himſelf. And one Mr. *Carr*, a perſon well known in *England*, as having ſtood in the Pillory here for enormous Crimes, and as well character'd from *Holland* for tricks and debaucheries, as having lived there theſe ſeveral years, hath, as is commonly reported, depoſed ſomething againſt him. So that every honeſt man, who hath had the misfortune to be thought capable of being made a knave, and hath been accordingly tempted by thoſe who meaſure and judg others by themſelves;

See *No Proteſtant Plot*, p. 22.

ſelves, runs the venture of his own life, for not complying to be an inſtrument in deſtroying the lives of ſuch as are innocent.

And as if it were not enough, firſt to forge a Plot, and then ſuborn Witneſſes to ſwear it, the managers of this affair have for ſecuring the better ſucceſs of the whole intrigue, thought of one trick more; namely, the cauſing thoſe to be accuſed of one offence or another, who have the courage to endeavour to trace and detect them. It is a moſt deplorable caſe and condition that we are in: For as our own innocency is no protection againſt the perjury of fellows that are ſuborned; ſo we do but expoſe our ſelves to new hazards, by labouring to diſcover by whom and what means ſuch and ſuch were corrupted, and to whoſe ruine they are to be employed. For as he, who, in the *Roman* ſtory, would have kill'd his Neighbour, complained, being hindred and prevented, that the perſon whom he deſigned to ſtab, did not *totum gladium recipere*; ſo they who labour to faſten a Conſpiracy upon Proteſtants, againſt His Majeſties Perſon and Government, are angry that we will not abandon our own innocency, and ſuffer them without diſturbance or moleſtation, to ſwear us out of our Lives and Eſtates. For this and no other crime, that any man knows of, is Mr. *John Harrington* bound over in a *Recognizance* of 1000. *l.* to anſwer at the *Kings Bench* to whatſoever charge and information ſhall be brought againſt him. And whereas we are told of divers Preſentments and Indictments which Juſtice *Warcup* hath ready to be preferred againſt ſeveral perſons, it is for nothing elſe in the world, but becauſe they have been too bold and ſawcy in prying into his ſecret tranſactions, for inveigling and ſuborning Witneſſes to depoſe, and ſupport a Proteſtant Plot. And though the whole matter of this grand Conſpiracy be not only perfectly known by men of wiſdom and obſervation, to be a meer forgery, but fully

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underſtood and diſcerned by the meaneſt and weakeſt to be a Popiſh contrivance, yet no man can ſooner publiſh a few ſheets to diſplay and unfold the Combination, and lay open that helliſh Intrigue, but he is threatned to have an Information exhibited againſt him in *Weſtminſter-Hall*. Alas! if compaſſion to innocent and loyal perſons, whoſe lives are brought into danger by ſuborned and perjured fellows; or if regard to the credit and ſafety of the Proteſtant Religion, which would be greatly weakened and expoſed, ſhould the principal Patrons of it become believed guilty of a Conſpiracy againſt his Majeſty and the eſtabliſhed Government; be not ſufficient inducements to juſtify all lawful endeavours to detect this forgery, and publiſh to all mankind the whole *Sham*: yet ſurely love to the honour of the King, and reſpect both to the peace of his Kingdom and the glory of his Reign, may be allowed for reaſonable motives, why an honeſt man ſhould ſtudy to hinder the purſuance of a deſign, which, if not ſeaſonably check't, will not only leſſen the peoples eſteem of the Juſtice and Wiſdom of their Rulers, but by repeated *Ignoramus*'s upon Bills of Indictment for Treaſon, and by repreſenting the Witneſſes perſonated upon ſtages and in publick ſhows, may expoſe the Government it ſelf to too notorious an affront.

And either ſo malicious and thirſty of Proteſtant Blood, or ſo infatuated and deprived of all underſtanding, are the managers of this forged Conſpiracy, that neither any detection of their Villanies, nor diſappointment of their Attempts, have been hitherto ſufficient to diſcourage them in their proceedings. But when they are brought to deſpair of effecting their Deſign of deſtroying Innocent perſons by one Set of Witneſſes, they immediately betake themſelves to the finding out and hiring of another. And if the babbling of ſome hath ſo far betrayed them, that they are become uſeleſs, and muſt be ſent away, new ones are to be Suborned to fill up their room, who ſhall be taught greater Secrecy and better

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Conduct. Nor is the Nation or the City so barren of Rogues, but that whosoever is weary of serving himself by one, may for Money be furnished with another. And if the Muster-master-general of the Evidence think it expedient to disband the whole Troop of Witnesses, which he hath hitherto maintain'd and paid on the prospect and hope of Service from them, he may by the Art of Subornation, and the Attractive of a liberal Advance, and a well settled and large pay, easily fill up his Rolls with others of the same Character and Complexion. But can any think, that more credit will be given to *Carr*, who (as the report goes) is brought from *Holland* to support the sinking credit of a *Protestant Plot*, than would have been given to *Callaghan*, should he instead of being sent away to *Ireland*, have been kept here and brought into a Court of Judicature, to prevail upon a Jury by the authority of his Oath, to believe that My Lord *Shaftsbury* intended to change the Monarchy into a Commonwealth? Or can any apprehend, that the Rascally Fellow *Sallacole*, that boasts of being a Witness against that Noble Peer, and who to all his other Crimes, hath lately added the hiring and subornig one *Peter Brashay* to subscribe and swear a false Information, by the name of *Daniel Holland*, before Sir *Thomas Exton*, should obtain more credit with a Grand Inquest of honest, wise and discreet men, than *Dugdale*, whom all the world believes to be perjur'd, would do, should any have the folly to produce him hereafter as a Witness against *Protestants*. And should Justice *W——p* be able by applications to Mr. *Mann*, to prevail upon him to swear Treason against Capt. *Wilkinson*, namely, how the said Capt. had told him of a Design, wherein my Lord *Shaftsbury* and the Members of the *Oxford* Parliament, were engaged against His Majesty; yet would any man believe *Maud*, that hath either known the Capt. or read his late Printed Information. But to do Mr. *Maud* right, he hath solemnly professed and protested to twenty Gentlemen, that he neither is nor can be a Witness against any *Protestant*; though he declares withal, how the *Justice* both by Promises and Threatnings would have influenced him to have been one.

And as if all the Arts already mentioned, were not base and villanous enough, the Papists and their Abettors, have as men at a desperate pass, should this Design miscarry, bethought themselves of another trick more damnable and Hellish than all the rest. For being jealous of the Credit and Reputation of their Witnesses, and apprehensive that no Jury will believe what they say,

ſay, they ſee that the Project they have ſo long travailed with, of ſilencing the Noiſe of their own Plot, by fathering a forged one upon Proteſtants, will not only be loſt, but themſelves made obnoxious to anſwer for contriving the Death of innocent Perſons, unleſs they can be able to produce Letters and Papers. Nor is it to be queſtioned, but that as they who take a liberty to ſuborn Men to perjure themſelves, for the deſtroying of innocent Perſons, will alſo judg it a venial thing, to hire ſome Miſcreant or another to forge and counterfeit Writings in order thereunto. And it will be ſtrange, if the Managers of this Buſineſs, having been ſo ſucceſsful in obtaining falſe Witneſſes as to Words, ſhould not find one or another, that will be prevailed upon for Money, firſt to counterfeit his hand to Treaſonable Letters, and then depoſe upon Oath to the Authenticalneſs of them. For if *Granger's* old Friend and Complice, who ſtood in the Pillory, be not skilful and exact enough at it, *Granger* himſelf is neither ſo far off, but that he may be ſpoken with upon ſo good an occaſion, nor ſo reformed by long Impriſonment for former Offences of this kind, but that for a good Reward, and eſpecially if they will promiſe him a Pardon for his old Crimes, he may be perſuaded to have one Touch more at the wonted Trade. And conſidering that we live in a Juncture, when Men of better Fame than any who abett the Belief of a Proteſtant Plot are judged to be, do, by a Writing under their hand, miſreport the Actings and Tranſactions of the two Houſes of *Parliament* to the Court of *Kings-Bench*, and that in a Buſineſs of ſo great and fatal moment, as the diſcharging of an impeached Perſon would infallibly be; we need not be ſurprized, ſhould one of a profligate Life, an infamous Name, and an obdurate Conſcience, endeavour to impoſe upon a

Court of *Oyer* and *Terminer*, by a forged Letter or two, eſpecially in order to the accompliſhing ſo meritorious a Work, as the whole Papal Party will eſteem the bringing of my Lord *Shaftsbury* to the Scaffold to be. But the Failure and Error in the managing of this Intrigue is, That ſome, reckoned very proper Inſtruments for ſuch a Service, were not only brought over from beyond Sea, at a Seaſon which will awaken in the Minds of Men a Suſpicion of the Errand upon which they come; but they have been obſerved to be very buſy in ſcribling every day at a certain place ſince they arrived, which will greatly augment the Belief of what they were framing, ſhould any Papers, fathered upon the Earl of *Shaftsbury*, and my Lord *Howard*, be produced in Court. Beſides, that noble and wiſe Peer, whom the Snare is in a ſpecial manner laying for, is ſufficiently known, to be a Perſon of another kind of Foreſight and Conduct, than, were he traiterouſly and wickedly diſpoſed, to truſt the beſt Friend in the World with a Paper under his Hand that might deſtroy him. Nor could there be a more convincing Proof of the Villany of the whole Contrivance againſt this great and truly politick Stateſman, than to offer to bring forth againſt him Papers pretending to bear his Name, and affirmed upon Oath to be of his own hand-writing. Some little Muſhroom-Miniſter, or young Dabler in Politicks, may poſſibly be guilty of ſuch an Overſight; but for a Perſon of the greateſt Sagacity, and wiſeſt Conduct of this Age, and one grown gray in the Study of Men, and Obſervation of Courts and Civil Affairs, to commit ſuch a Folly, is next to impoſſible. And if ever Men ſhould be ſo far forſaken of Wit, as well as Truth and Prudence, as to offer to produce Letters, to prove and enforce his Concernment in a Conſpiracy againſt his Majeſty and the

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Government, there will need no more to detect the Forgery, but the bare naming of the Persons, with whom this Correspondence for changing the *Monarchy* into a *Common-wealth* is said to have been held. All Mankind may with as much probability fall delirous, and become distracted in one day, as that a Peer of the Earl of *Shaftsbury*'s Sense, Wisdom, and Knowledg of the World, should treat in Writing, about so illegal, tickliſh, and hazardous an Affair, as the altering of a Government is, with Persons, that he would blame his own Discretion, and judg his Prudence had failed him, should he so much as speak unto them, save in the presence of Witnesses, that might testify what was said.

Upon the whole of what hath been discoursed, concerning the Implacableness of our Enemies, and the unjust and wicked Courses which they have steered, to bring the World into a Belief of a Protestant Plot, and that the greatest and wisest Persons in the Nation, as well as the most Loyal Subjects to his Majesty, and the most zealous Patriots of our Religion and Civil Liberties, are guilty of it; nothing can be now more clear and apparent, than that our whole Security, as to Life and Fortune, and what is beyond both, a good Name here, and a worthy and honourable Fame hereafter, depends principally (if not solely) upon the having an upright, discreet, and understanding Jury. And blessed be God, who hath cast our Lot in a Land renowned in this above all other Nations, that our Lives and Estates are not subjected to the arbitrary and despotick Pleasure of a Sovereign, nor left to the Discretion of Judges, who may be Vassals to the Will of their Creator and Prince; or being of a covetous and mercenary Temper, may be wrought upon to sell our

Lives for a Bribe. Yea, were our Rulers never ſo benign, gracious, and merciful; and were Judges never ſo impartial, upright, and juſt: yet where there are not Juries, the Lives of innocent Men are ever liable to be taken away by the Teſtimony of ſuborned and perjured Witneſſes. Whereas by this inеſtimable Privilege of our Conſtitution, the boldeſt and moſt home-ſwearing of never ſo many Witneſſes, cannot bring a Perſon within the compaſs of being condemned, till twelve impartial, honeſt, and ſubſtantial Men of his Neighbours have judged and pronounced him guilty. So that upon this alone account, if there had been no other, our Anceſtors, comparing their Condition with the Caſe of other Nations, had good reaſon to ſay, *Nolumus Leges Angliæ mutari*, We will not have the Laws of *England* abrogated or altered. And therefore upon this reaſon, more than upon any other, do *Forteſcue* and *Glanvil* prefer the Laws of *England*, to the Laws of all other Countries and Kingdoms whatſoever.

Vid. Forteſcue *de laudibus Legum Angliæ*, cap. 26, 27, 28, 29. & Glanvil, lib. 7. cap. 14, 15.

For the Antiquity of Trials by Juries, there needs no more to prove them co-eval with the firſt Conſtitution of our Government, than that no Man is able to aſſign the Time when they began: For as all agree, this to have been the Way and Courſe of Trial in *Henry* the Firſt's Time, according to that Paſſage in *Cap.* 31. of the Laws of that King. *Unuſquiſque per pares ſuos judicandus eſt, & ejuſdem Provinciæ. Every Man is to be judged by his Peers, and thoſe to be of the County where he lives.* So our Hiſtories tell us of one *Roger Fitz-Osborn*, who being apprehended by *Tiptoft*, Sheriff of *Worceſter-ſhire*, was condemned for Treaſon in *William* the *Norman's* Time, *per judicium parium ſuorum*. And that this Method of Trial came not in with the Conqueror, is not only evident from hence,

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That the Law of *Normandy* never took any cognisance of Trials by Juries; but from this, That it was one of *Ethelred* the *Saxon*'s Laws, *That none should be acquitted or condemned, but by twelve ancient Freemen.* And our Ancestors making Trials by the lawful Judgment of their Peers, one special part of the great Charter, shews that it was the ancient Law of the Land; forasmuch as *Magna Charta* contains no new Privileges, wrested from our Kings, but only the ancient Rights of the People, which had been invaded by the *Norman* Race. But whence the first Inhabitants of this Land learned this Course and Method of Trial, or whether they were the first Inventers and Ordainers of it, I cannot tell: only something of alliance and kin with it, seems to be have been observed in the *Grecian* Trials, as appears by *Mars*'s being tried for Muther by a Jury of Twelve, and acquitted only by reason of the Equality of Votes. So sacred hath the Observation of the Rights of Juries anciently been, that *Alfred* not only hanged one Justice *Freburn*, for condemning one *Harpin*, when the Jury were in doubt of their Verdict; but he also hanged one Justice *Codwine*, because he adjudged one *Hackney* to Death, when three of the Jury would have acquitted him. And yet it is remarkable, that the Judg did not condemn him without the Verdict of twelve Men; but because he put out the three who would have found him not guilty, and added other three, whom the Person indicted had not put himself upon, to the nine that were for finding him guilty, the King ordered him to be hanged. Yea, so careful have our Predecessors been to revenge all Invasions upon this excellent part of our Birthright, that *Empson* and *Dudley* were executed in *Henry* the Eighth's Time, for proceeding against Men, so as to punish and fine them for Offences and Contempts, without

See *Lamb*, p. 281.

See *Doddridg*'s Treatise of Nobility, p. 110.

See *How*'s Mirror of Justice.

without the *Verdict* of twelve Men, tho they had the Authority of an Act of Parliament, to juſtify them in what they did.

Now thoſe returnable upon Juries, ought, *firſt*, to be of the Vicinage, where the Party accuſed liveth, or at leaſt, the Cauſe of the Charge or Action doth ariſe; and the reaſon of it is, *Ut rei veritas melius ſciri poterit: That what was in iſſue before them, may be the more fully known and underſtood by thoſe that are to give their Verdict of it.* This was always the common Law of the Land, that Juries ſhould be choſen out of the Neighbourhood, *ubi Factum ſupponitur quod eſt judicandum.* And we have a great Inſtance of the Benefit hereof, in a Trial before Sir *Matthew Hale*, when he was Lord Chief-Baron: For as he was riding the *Nottingham* Circuit, a pretended *Mortgagee* brought an Action againſt the Executor of an alledged *Mortgager*, affirming, that ſuch an one had mortgaged ſuch an Eſtate to him the Plaintiff, for four thouſand Pounds; and this he made a Proof of in Court, by three poſitive Witneſſes, who concurred in all Circumſtances of Time, Place, and Payment of the Money; nor could any of their Credits be impeached. Yet the Jury being of the *Vicinage*, and knowing that the Deceaſed, whoſe Executor was ſued, had Money of his own at uſe, at that time when it was ſaid he had borrowed the four thouſand Pounds, and that he had neither married Son nor Daughter, nor bought nor mortgaged any Land, which might make him neceſſitous of Money, they brought in for the Defendant, notwithſtanding the Evidence of three untainted concurring Witneſſes. And it was well they did ſo; for it appeared afterwards, that the Witneſſes were forty Miles aſunder when the Writings were ſaid to have been ſealed; and whereas the *Mortgage* bore Date at *London* ſuch a day, he

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that was then neereſt to the City, was at that very time as far off as *Stamford* in *Lincoln-ſhire*.

Secondly; Thoſe returned to ſerve on Juries, are to be *boni & legales homines*, good and lawful Men; whereupon all Perſons outlaw'd, condemned in a *Premunire*, or attainted of Treaſon, Felony, or the like, are uncapable of ſerving upon a Jury, as not being *homines legales*, and all diſcredited by Attainder in Conſpiracy, Subornation of Perjury, Concealment, or the like, are excluded from being Jury-Men, as not being *homines probi*. But among all the Exceptions, which by the Law diſable a Perſon from ſerving on a Jury, I do not find, that differing from the Church of *England* in a Ceremony, or not attending upon the Common-Prayer, are allowed, much leſs enjoined to be any. And for any Perſons to refuſe ſuch returned upon the Pannel, whom the Law doth not refuſe, maketh a very near approach to the aſſuming to themſelves a *Legiſlative Power*. And I dare affirm it in the Face of all the World, that notwithſtanding the Clamor about the Juries returned in *London* the laſt Year, and thus far of this, that yet there have not, for theſe twenty laſt Years, been better Men returned, both for Quality and Eſtate, and for Unblameableneſs and Integrity of Life, than were by the laſt Sheriffs, and thoſe now in Office. And it is remarkable, that all who have been called on *Niſi prius's* are exceedingly approved; and why thoſe called to ſerve on the Grand Inqueſt, who are uſually Men of greater Quality than the other, come to be ſo much condemned, I deſire that others ſhould rather imagine and conceive, than that I ſhould take upon me to pronounce and declare. And when thoſe upon the Bench had cauſe to approve and commend ſuch as are and have been returned to ſerve in Civil Cauſes, I do not well know for what reaſon they quarrel

See *Lambert's Eiresarcha*, P. 376, 377

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at Men of that Perſwaſion and Mind, yea ſometimes at the very ſame individual Perſons when impanelled to ſerve in Criminal Cauſes. Yea, ſhould the little and ſmall differences amongſt Proteſtants, make one Party judg another unqualified to ſerve in Juries, we might thereby, in caſe of a Popiſh Succeſſor, teach the Papiſts to exclude one ſort of Proteſtants aſwel as another from diſcharging the office of Jury-men. And would we not be in a fine caſe, ſhould the Papiſts in due time turn theſe Arguments againſt all Proteſtants, which ſome out of fondneſs to the Church of *England* do now make uſe of againſt Proteſtant Diſſenters! And ſurely Nonconformity to all the Laws of Chriſt, which common Drunkards, Swearers, and every vicious and prophane Perſon is guilty of, may with as much reaſon be eſteemed an Exception againſt a Jury-man, as Nonconformity to the Rites and Ceremonies of the Church, eſpecially if we conſider that the one ſort of Nonconformity is prohibited and made puniſhable by the Laws of the Land, as well as the other. And whereas it hath been ſaid, That thro' the late Sheriff sreturning Phanaticks to be Jury-men, it came to paſs that during their whole Year not one Popiſh Recuſant was preſented in the City. They that make this Objection, would do well to conſider, that from the Year 1676 till the Year 1680, there was not one Papiſt preſented in *London*, and yet it is ſuppoſed that the Sheriffs during that long Intervall were very good Church-men, and returned Juries worthy to be approved. 'Tis true, the Diſſenters are not in one ſence ſo well qualified to preſent Papiſts, as ſome others are, in that they do not know ſo many, nor maintain that friendſhip with them as they may do. But this may be ſaid, that the moſt Phanatical Jury which hath been within theſe fifteen Months, did never refuſe to preſent Papiſts who were regularly and upon Oath brought before them.

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But to proceed, having heard what according to Law ought to be the qualification of the *Jurors*, we are next to conſider who is the legal Officer that ought to return them; And this is the *Sheriff*: For to him is the *Venire facias* directed, and in him is the truſt of returning Juries veſted and repoſed. Nay, at Goal-deliveries, when there is no writ directed to the Sheriffs, yet he is the Officer that is to retnrn the Panel, for ſo the Law hath conſtituted him. The *Statute* of the 11. *Hen.* 4. is expreſs to this purpoſe. Yea, that confidence and power doth the Law place in the Sheriff as to this matter, that in *Inqueſts* before Commiſſioners of *Oyer* and *Terminer*, it alloweth not the Judge to except againſt any whom the Sheriff is pleaſed to return: and tho' in Juries upon *Goal delivery* the Statute of the 3 *H.* 8. empowers the Judge to reform the Pannel, by excepting againſt ſuch as they think will be wilfully forſworn and perjured: yet even in that caſe the Sheriff muſt ſtill return thoſe who are to ſupply the places of ſuch as are excepted againſt. Yea, the forfeiture is but 20 *l.* whereof one half only goes to the King, the other going to the Informer, in caſe he ſhould refuſe to return the Pannel according to the reformation of the Juſtices. And ſo careful is the Law to preſerve the right of returning Juries to the Sheriff or his Bayliff by his leave and order, that one *Robert Scarlet*, 10. *Jac.* not being returned by the Sheriff, yet by confederacy with the Clerk, getting himſelf to be called on the *Grand Inqueſt* when the Pannel was read in Court, was Indicted upon the Statute of the 11 *Hen.* 4. So that it being the *Sheriffs* Right to return Juries, we may juſtly wonder why men quarrel that the *Secondaries* in *London* are not of late ſuffered to do it. I am ſure the High *Sheriffs* being men of greater Eſtates, than the *Secondaries* are, they are leſs likely to be brib'd in making undue returns than the latter. And if the *Secondaries* complain that they are not permit-

ted to return Juries, it is a ground of ſtrew'd ſuſpition that that they made ſome advantage to themſelves by doing it. and indeed purchaſing their places at great Rates, we may ſafely imagine that they will be ſomewhat inclinable to excuſe ſome from ſerving, and bring on others as ſhall turn and conduce moſt to their intereſt and profit. And were it not that they propoſe an advantages to themſelves by the returning of Juries, inſtead of complaining that they are deprived of that liberty and priviledg, they have cauſe to be thankful that they are eaſed of an Office which beſides the Foile trouble of it, might ſometimes expoſe them to very great inconvniencies. And if any other take it amiſs that the *Secondaries* are not ſtill allowed to return the Juries, it is a plain argument that they think they could have better ſerved a turn or a deſign by them, than they ſee they can do by the *Sheriffs*.

In the next place it is obſervable that as in all criminal cauſes there are two Juries to paſs upon the party that is accuſed and arraigned, ſo the difference between them is, that the *Grand* Jury in finding the Bill, do *ſupponere crimen*, aud the *Petty* Jury in finding the perſon guilty do *imponere crimen*. And as a Grand Jurie is never to find any Bill, but either upon perſonal knowledg, or Evidence; ſo in caſe they have no perſonal knowledg of the Eact of which the party is Indicted, they are not to find the Bill except they beleive the Evidence. And to do otherwiſe is plainly for a Jury man to perjure himſelf. For how can a man upon his Oath find a Bill to be true, when he beleives not the Evidence upon which the Truth of it doth wholly depend. As one of the Petty Jury is not to find the perſon that is put upon them for his Trial, unleſs upon hearing of the whole matter he beleive the Witneſſes; no more is one of the Grand Jury to find the Indictment that lyes before them unleſs he be ſatisfied in conſcience that what the Witneſſes ſay is true. And beſide,

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whoſoever finds a Bill, and yet doth not beleive the Evidence, he is injurious to the perſon who is arraigned before him. And there are three injuries which Jury men make themſelves Guilty of towards him, nameley of one to him in his liberty, another in his eſtate and a third in his life. For upon finding the Bill, the Priſoner is lyable to be put in cloſer durance, which is a wrong that the jury occaſions to be done him as to his liberty; his goods are ſubject to be inventor'd, which is an injury that the Grant Inqueſt cauſeth him in his eſtate; and his life is put into hazard, which is the greateſt injury we are capable of doing a perſon next the deſtroying him.

And as a Grand Jury is never to find a Bill, unleſs they believe the Evidence? ſo they are to be Judges of the matter of Fact that is ſworn and given in Evidence? And therefore it hath been heretofore cuſtomary, that the witneſſes gave their diſpoſitions and Evidence only to the Jury. And indeed there are ſome paſſages in the Oath of a Grand Jury Man that are not eaſily reconciled to the having the Witneſſes examined in Court. Nay the Jurors are ſo far in all Caſes the only and ſole Judges of matter of fact, that the Judge cannot ſo much as direct them. Nor are they obliged to make the Teſtimony of thoſe that ſwear, the ſole meaſure of the Fact, the truth and reality whereof they are called to judg about, but their own knowledg, and the knowledge that any one of them hath of and concerning the matter of fact in the firſt place, and in oppoſition to all that is ſworn contrary to their knowledge, is to be the of rule of the judgment they are to make concerning the fact, the truth whereof they are conſtituted and appointed Judges. Nay, all juries are judges ſo much as of matter of fact, that the Bench is not ſo much as to give any direction how or what they are to Judge therein. Nor upon a Trial of life and death are the juries bound up to the judges recapitulation of the evidence much leſs to his ſenſe of the plainenes & fulneſs. of it.

Yea they are not only ſole Judges of Matter of *Fact*, but they are alſo Judges of the *Law* ſo far as it influenceth the Fact or is complicated with it. For they do not, neither are they to find the Fact abſtractedly by it ſelf, and leave the Law to the Court, but they find the party guilty or not guilty, or a Bill to be *Billa vera*, or *ignoramus* as the Indictment or the Caſe in iſſue contain Law and Fact complicately together. For tho' they may be convinced of the Fact, that the party charged before them did it, yet they are not to find him guilty, unleſs they be ſatisfied that he did it as it is laid in the Indictment, that is, that it be ſuch a Crime as it is there ſtiled, and done with that Traitorous and Malicious intention as it is there laid. And were it otherwiſe, a perſon might come to be Condemned for the moſt innocent Fact in the World, provided that it were repreſented in the Indictment as ſome mortal offence, and then porved by the Witneſſes to have been done. Thus Suppoſe a perſon to be indicted for words that are plainly Teaſon according the Statute of the 13 of *Charles* 2. Yet if the party charged be not proſecuted within the time provided by that Act, he is not to be brought in as guilty, though it ſhould appear by the Evidence that ſuch and ſuch Words were ſpoken. And the reaſon is plain, for as much as the Statute makes not words Tryable but within ſuch a limited and prefixed time, and therefore if the time through the fault of the Informer or neglect of the proſecutor be ſuffered to elapſe, no Jury is afterwards to find an Indictment, were the words charged never ſo fully proved.

See Vaughan's Repts. p. 150. Littleton's Tenures Sect. 368.

And as the Jurors are Judges of Matter of Fact, and of Law ſo far as it is complicated with Fact, ſo in order to their finding what is either preſented or in iſſue before them, they are in the firſt place and in a ſpecial manner to conſider and weigh the quality and creditableneſs of the Wit-

Witneſſes who are brought to prove the Indictment. For there are ſome whoſe Teſtimony the Law doth not admit, and conſequently the Jurors are not to receive their Evidence, or in the leaſt to be influenced by it. And whoſoever is ſo branded that he cannot be a *Juror*, he is alſo excluded according to law from all capacity of being a Witneſs. There are ſome whom the Law ſtiles infamous, nor have ſuch any credit to ſupport what they ſay.

Viz *Trials* per pais p. 138. *Mirrour* of Juſtice p. 192.

Yea, there are ſome whom the Law hath not branded with the mark of infamy, and yet Principles of natural light inſtruct us not to give any faith unto them. *Perſonæ vili*, ſaith the Civil Law, *non facile creditur*; *a beggarly or baſe perſon is not to be credited.* Such a one, *quem fames, magisquam fama incitat*, whom hunger and want have a greater power over, than reſpect to reputation, is not to be much hearkned unto in what he ſay's. Particularly whoſoever is bribed or ſuborned is both in the ſight of the Law and according to the common ſenſe of mankind an infamous perſon to whom *Jurors* are to give no beleif. Yea, one Witneſs of whoſe being ſuborned the Jury are ſatisfied, is enough to bring a juſt ſuſpition upon the Teſtimony of never ſo many other Witneſſes, tho' there be no Evidence of their being corrupted.

Vid *Cod lib.* 4. *Tit.* 20.

Nor are *Jurors* only to conſider the quality and credit of the Witneſſes; but they are alſo to conſider the probability or improbability of what they depoſe. For as a Witneſs is to ſwear nothing but what he hath heard or ſeen, and is not to be allowed to make any Inferences or Deductions, but is meerly to relate matters as they occurred and fell under his ſenſes; ſo Jurors are not to ſwallow it without chewing of it, and examining the poſſibility of the whole, and the conſiſtency of one part with another. For *allegans con-*

See *Vaughan's* Reports, *ubi ſupra.*

contraria non eſt audiendus, he who produceth things which interfere with themſelves, or with what any other hath ſaid in the ſame cauſe, overthrows both the credit of his fellow Witneſs, and deſtroys his own Teſtimony. Some things though poſitively ſworn, yet carry their refutation along with them. For example, that there ſhould be a Proteſtant Plot to ſeize the King and alter the Government, and not one of all thoſe know it, who were moſt likely to have been made acquainted with it. And a conſpiracy to apprehend the King at *Oxford*, and yet no viſible force to effect it, nor any thing proportionate to ſuch an undertaking either taken care of before hand, or brought to light ſince. It is impoſſible that what my Lord *Shaftsbury* is charged with ſhould be true, and yet that no man ſhould ever hear of it, but they from whom, if there had been any ſuch thing, it would have been moſt induſtriouſly concealed.

Nor are the Jurors only to conſider of the quality of the Witneſſes, and the probability of the matter given in charge, as it lies abſtracted from the party that is accuſed, but they are alſo to weigh the agreeableneſs of the Fact to the principles of the party brought and Indicted before them, and whether it be likely that a perſon of his loyalty, integrity and wiſdom ſhould be guilty of it. And therefore it is that the *Jurors* are to be of the *Vicinage*, the Law ſuppoſing that ſuch are beſt able to judge of the perſon and his manner of life, whoſe cauſe is to receive its iſſue according to their ſentence and *Verdict*. And if upon there own knowledg they believe him innocent, they are not to bring him in guilty, nor to find a Bill upon the Teſtimony of never ſo many Witneſſes.

Nor is this all that belongs to *Jurors*, but they are likewiſe to conſider both the motives and the nature and manner of the proſecution. For where there is either malice at the bottom, or unuſual and unbecoming rigour and violence

olence in the purſuit, there is juſt ground adminiſtred of a ſuſpition, that the party accuſed is not ſo much nocent, as his enemies out of wrath and revenge would have him thought to be. A Princes intereſt is to have the Lives of all his ſubjects preſerved, as far as the Law, his own ſafety, and the wellfare of the Society will admit; and therefore the ſingling out of a perſon from the reſt, as if it were of purpoſe to run him down, argues that ſome inducements which his proſecutors do not think fit to mention do influcuce unto it, and that it is the intereſt of ſome ſecret miniſters, rather than the parties own guilt that bring him under obnoxiouſneſs. Beſides where all things have been carried with a clandeſtineneſs which is neither juſtified by the Law, nor uſual in other Caſes, there men may juſtly fear that there is foul play in that man's affair. Again, when a *Si quis*, as it were, hath been ſent into all parts to invite Witneſſes, and when forraign Dominions hove been ſought into for Evidence, as well as our own Kingdoms, it gives impartial man cauſe to apprehend that the party perſued, is not ſo criminal, as his Adverſaries endeavour to proclaim him.

Nor can a Jury of Life and Death bring in any legal *Verdict*, unleſs the whole Twelve, which are all that are ſworn to paſs upon the party Indicted, be agreed and unanimous. So tender have our Anceſtors been of their own and the lives of their poſterity, that Eleven cannot caſt a man, but the whole Twelve muſt concur in the *Verdict*. Nor can a Grand Inqueſt find a Bill, unleſs alſo Twelve agree in the indorſing *Billa vera* upon it. It is not the opini- of the majority that makes a *Verdict*; but the Law hath ordained ſuch a preciſe number as Twelve at the leaſt towards the putting a mans life into hazard: And therefore we read in our Books of a Judge that was condemned, for adjudging a perſon to death, when only Eleven were agreed in the *Verdict*.

And when the *Jurors* have endorſed their Bill, or declared their Verdict, they are only accountable to God and their own Conſciences for what they have done. Nor is their either fine or attaint lies againſt a Jury in criminal cauſes. The Law hath taken that care to have only good and lawful men *Jurors*, that it truſts all upon them, and leaveth them not expoſed to be haraſſed by a Bench of Judges, who many times hold their places at the *placitum* of a Miniſter or Courtier that can iufluence the Monarch, or hath the ear of the Prince. Nor was ever a Jury legally puniſhed iu any caſe, where the *Jurors* were not accuſed of ſome offence, beſides barely the giving ſuch a *Verdict*.

See *Vaughan's* Reports, *ubi ſupra.*

Yea, the Law hath made ſuch liable to puniſhmeut, who aſperſe or revile a Jury for what they do in the way of their Office. But of this, and the whole that our Law hath concerning *Jurors* and Juries, with a vindication of the *Verdicts* of ſome late Juries, the world may ſee ſomething in a little time.

FINIS.

THE THIRD PART OF No Protestant Plot:

WITH

Observations on the PROCEEDINGS

UPON THE

BILL of INDICTMENT

AGAINST THE

E. of Shaftsbury:

AND

A Brief ACCOUNT of the CASE

OF THE

EARL of ARGYLE.

LONDON:

Printed for *Richard Baldwin.* 1682.

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To the READER.

TIS not more out of Respect to our own Innocency, and the Honour of our Religion, that these Papers come abroad into the world, than it is from that Love and Respect which we bear to the King, whose Interest in the hearts of his People is greatly supplanted and undermined, by the courses which have been lately taken to destroy his Innocent and Loyal Subjects, upon a forged and groundless pretence, That they are engaged in a Conspiracy against his Person and the established Government. For some men, whose crimes have made them obnoxious to the justice of Parliaments and the severity of the Laws, could bethink themselves of no other way to escape the punishments which they have deserved, but by possessing the King, That the Peers and Gentlemen of England, *who are most likely to call them to an account, while they are complaining of their Misdemea-*

nours and Offences, are themselves combined to destroy both the Regnant Prince and the Monarchy. The hazards which our Names, Fortunes and Lives are brought into, do not so much afflict us, as to see the King lose the Love and Confidence of his People at home, be forced to abandon his Allies abroad, and leave his Crown and Dignity, as well as these Nations, exposed to the Power and Ambition of a neighbouring Monarch. Nor can we express greater Fealty *to the King, than by plainly informing him, that he hath no Enemies, save the Papists, unless it be in the imaginations of ill men, who to render themselves innocent, would make others guilty. And were they capable of being instructed, to forbear the prosecution of their forged Plots, upon the* Baffles *which they have received upon prosecutions, supported meerly by perjury and falsehood, we would have had that compassion for the honour of the Government and the safety of the Nation, as to have suppressed these sheets. But seeing they obstinately persevere*

vere in their malicious designs, and are as industrious as ever, to bribe and hire mercinary Rascals to swear Treason against the best and most loyal Subjects which His Majesty hath, as well as against the chiefest Patriots of our Religion and Liberties; We hope the world will pardon us, in defending our own integrity, and exposing their rage and wrath. And let me assure them, that while they fondly imagine they work under ground, we are able to trace them in the steps which they take. 'Tis not above a week or two ago, that by offers of five hundred pound a man, they attempted to suborn several persons to swear Treason against the Earl of Essex, the Earl of Shaftsbury, and others. Nay, we could tell them of a Consult which they had, to examine and digest the forged Evidence, which by great expence, and mighty labour, they had procured; & how they went away wonderfully disturbed that it would not answer their desires, nor support the design which they were upon. As the people of England are not of a temper, to suffer

their

their throats to be cut in a way of massacre, without a manly and generous resistance; so they are not of a complexion, to lose their Lives unjustly, by a legal process, without speaking in their own defence. What we have here written, is with a freedom that becomes innocent persons, tho' we must acknowledg, that we have fallen short in the air and stile that are proportionate to so just a cause: The righteousness and innocency of our case, needs no pickquancy; and it were but to obscure and darken our Loyalty, to make it resplendent by colours. But if our Enemies persevere in their ways of impudence, we hope all mankind will acquit us, if from henceforth we lay aside bashfulness and modesty.

ERRATA.

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b. fore *in* add *is.* p. 142. l. 20. r. *time.*

HOW much the *Papiſts* are not only juſtified in deſtroying thoſe who differ from them in Faith and Worſhip, but obliged by the Principles of their Religion, to extirpate all Chriſtians, who have withdrawn from the Communion of their Church; we may be eaſily informed, if we would but give our ſelves the trouble of conſulting the *Canons* of their *Councils*, the *Decrees* of their *Popes*, and the publick Writings of their moſt approved Authors. Nor is there any crime or villany ſo tyrannous and barbarous, but it becomes ſanctified, and is declared meritorious, provided it be found ſubſervient to ſo uſeful and pious Deſign, as the rooting out thoſe whom the Papal Church hath judged and pronounced Hereticks. For beſides, millions of Men and Women profeſſing and obeying the Goſpel, that have been deſtroyed in other Nations, for no other offence, but becauſe they diſſented from the Church of *Rome*; there have ſeveral hundred thouſands been murther'd, kill'd and maſſacre'd in theſe three Kingdoms, meerly becauſe they could not believe as the pretended Church-Catholick doth. And as neither Obedience, or Loyalty towards Magiſtrates, nor Righteouſneſs towards fellow-Subjects, have contributed any thing towards the ſecurity of the Lives of *Proteſtants*, when the *Papiſts* have apprehended themſelves able, and found that they were countenanced by Authority to deſtroy them; ſo no Obligations by Oaths or Promiſes, have been ſufficient to reſtrain thoſe of the Papal Communion from waſhing their

hands in the Blood of Innocents; but in defiance of all that ought to be preſerved ſacred, they have firſt murder'd them, and then not only gloried in their bloody and cruel Exploits, but in the falſhoods and perjuries by which they wheedled honeſt and credulous people within the Circle of their power and rage. And while thoſe of that Religion retain the ſame Principles, which influenced men of the *Romiſh* Belief, to ſuch inhuman and barbarous Actions heretofore; the *Proteſtants* of this Age have no reaſon to expect more mercy, or fairer dealing from them, than our Forefathers and Predeceſſors received at their hands. And ſure the *Papiſts* muſt eſteem the *Proteſtants* of theſe Nations an Unthinking ſort of people, and very ignorant of the Tranſactions of their own, as well as former days; otherwiſe they would not have the Impudence to affirm in Print, *That as there were but 277. that ſuffered in all Queen* Maries *Reign upon the pretence of Religion; ſo above 200. of them were profligate Perſons*: And that inſtead of the vaſt numbers alledged to have been maſſacred in the laſt Rebellion in *Ireland*; *There were ſlain on both ſides, during the whole Rebellion, not above 36000. and this in a War ſet on foot for their Liberty and Eſtates, not for Religion.* Whereas all men that are not wilfully ignorant, know that the *Iriſh* never enjoyed more liberty as to their Religion, or more ſecurity as to their Perſons and Eſtates, than immediately before they broke out into that horrid Rebellion, wherein they perpetrated ſuch ſalvage and bloody Cruelties, as no part of the Pagan World could parallel. Nor were the quiet and tranquility which they then poſſeſſed, the fruits only of a Connivence from the Government, but the effects of many Acts of Grace, which had a little before paſt in favour of the *Iriſh Papiſts*.

See the three great Queſtions concerning the Succeſſion, p. 19.

And

And as that Rebellion ſprung from no other cauſe, but the obligations which thoſe of the *Roman* Religion are under, by virtue of the Doctrines and Principles of the Papal Faith, to root out Hereticks; ſo we are well aſſured from impartial *Hiſtorians*, and authentick Records, that they Murdered above *Two hundred and fifty thouſand* in that Kingdom, without any other provocation ſave that they were Proteſtants. And inſtead of Two hundred ſeventy ſeven, whereof above *Two hundred are ſaid to have been profligate perſons that ſuffered during the reign of Queen* Mary; there were, according to the trueſt account, no fewer than 284. Honeſt and Conſcientious Chriſtians, that in little above five years were burnt at the ſtake for the profeſſion of the Goſpel, beſides thoſe that were driven into exile, and ſuch as dyed in priſon meerly for being Proteſtants. Nay, the Author of the Preface to Biſhop *Ridley*'s Book *de Cæna Domini*, who is commonly ſuppoſed to have been *Grindal*, that was afterwards Archbiſhop of *Canterbury*, a perſon who by his circumſtances and troubles in the time of that Bloody Reign, and by his ſtation and quality under Queen *Elizabeth*, had as fair advantages as any, of being informed concerning the number of thoſe that ſuffered, tells us that there were above *Eight hundred* put to moſt cruel kinds of death for Religion in the firſt two years of Queen *Maries* perſecution.

Yea, ſo peſtilent and infectious a thing is *Popery*, that when once it hath inſinuated it ſelf into, and poſſeſt the minds of Princes, it not only infatuates them to depopulate their Kingdoms, by deſtroying and driving into baniſhment the beſt and moſt uſeful ſubjects of their dominions; but it ſo far *faſcinates* them, as to make them forget their own protection and defence, as well as to abandon the ſafety and preſervation of thoſe of their people that agree with them in the ſame belief; and to chuſe rather to ex-

poſe their Crowns, Territories, and Subjects, to be ſubdued and conquered by an Aſpiring and Rival Monarch, or to enforce their ſubjects, purſuant to principles of ſelf preſervation, to revolt and rebel, than they will be perſuaded and prevailed upon to exerciſe Indulgence, Compaſſion, and Forbearance to Proteſtants, tho' at the ſame time they cannot but know that the people whom they perſecute, would ſacrifice their Lives and Fortunes in the defence and ſervice of their Perſons and Dignities.

Thus the Second and Third *Philips* of *Spain*, choſe ratherto embroil the *Low-countreys* in an expenſive and bloody War, and at laſt to loſe the Obedience of Seven intire Provinces, and ſee them ſhake off their dependency upon the *Spaniſh* Monarchy, and eſtabliſh themſelves in an Independent and Soveraign Government, than to allow and permit that People to differ and diſſent in matter of Religion from the Church of *Rome*. And as the Revolt of thoſe Provinces, which was occaſioned meerly by the Perſecution of Proteſtants, proved at firſt the great obſtacle to *Spain*'s obtaining the Univerſal Monarchy, which they were in a condition to have bidden fair for, had not that War and the withdrawment of ſo many great and rich Countreys interpoſed; ſo the expence of Wealth and Conſumption of men which the *Spaniards* were at during thoſe long and bloody troubles, with the loſs of the Provinces which renounced their Allegiance to *Spain*, and erected themſelves into a *Free State*, hath laid the foundation of abridging the Intereſt of that Crown in *Europe*, and is like to iſſue in the ruine and ſubverſion of that Mighty and Large Monarchy.

Thus likewiſe the preſent *Emperor*, notwithſtanding the urgency of his Affairs through the impreſſion which the *French* have made upon *Germany*, rather than abate the perſecution of his Proteſtant *Hungarian* ſubjects, he hath

hitherto

hitherto choſen to venture the ruine both of the Empire and his own Hereditary Countreys. And tho' that poor people have been always ready to render an intire obedience to his Imperial Majeſty, and ſtrengthen and encreaſe his Armies with a brave and large Military Force to oppoſe and withſtand his Enemies, provided only that their Religion and Legal Rights might be ſecured unto them; yet that Prince through the influence of the Popiſh Clergy, and eſpecially of the *Jeſuits*, hath preferred the expoſing himſelf and all *Germany* to the Power and Ambition of *France*, rather than gratifie the Requeſts of his Proteſtant ſubjects, albeit the whole which they have demanded and inſiſted upon, was ſtipulated unto them by the Oaths of his Anceſtors. And ſeeing his own Neceſſities, and the ſober Counſels of his beſt Friends, have at laſt brought him to terms of Agreement with that people, I ſhall only wiſh that they may not through the liberty which the Popiſh Religion giveth him of violating Promiſes made to Hereticks, be departed from and forgotten as ſoon as the apprehenſion of the danger he is in from the *French* bloweth over and vaniſheth.

I might alſo here add, That there is a certain Gentleman in the world, who tho' he have at preſent no other pretence to the Government of Affairs, ſave what he enjoys by the Favour and Indulgence of his Prince; yet through his being corrupted and infected with Popiſh Principles, he ſeems to prefer the entangling Three Powerful and Opulent Kingdoms in Inteſtine Wars, or the leaving them naked to the Invaſion of a Mighty and Ambitious Neighbour, than loſe the opportunity of extirpating the Northern Hereſie, and reducing the Nations, where his Counſels and Intereſt can prevail, into a Vaſſalage to the Triple Crown.

And we may yet more fully satisfie our selves, what we are to expect from Papists, and what their Religion guides them unto, and justifieth them in, if we will but consider what the Sufferings of the Protestants in *France* at present are, and what methods are pursued for the extirpating of them. For as all the persecution which they undergo, is commenced against them for no other cause but barely that of their Religion; so to give the *French* King his due, he is so just as to acknowledg it, and scorns to palliate the true cause of their Oppressions, Banishment, and Slaughter, by pretending that they have conspired against his Person and Government, and that their Assemblies for the Worship of God, are intended for, and employ'd in the stirring up Sedition. He is so generous, as not to mention the several Wars which those of the Reformed Religion undertook and managed for their own defence against *Charles* the Ninth, *Henry* the Third, and *Lewis* the Thirteenth; but he tells them that they have been always very loyal to him, and that he apprehends no trouble or danger from them on the account of their Principles; only he is resolved not to suffer any in his Dominions who will not embrace the Popish Religion; and that they must either renounce the Faith which they profess, or submit to be destroyed. It would require a *Volume* rather than a *Paragraph*, to recount the many late *Edicts* which have been published against them, and the several steps and methods which have been taken to ruine them, without their being guilty of any other crime or provocation, save their having withdrawn themselves from the Communion of the Church of *Rome*. Thus the King hath not only demolished an infinite number of Churches, and suppressed the exercise of Religion where it had for a long time been legally enjoyed; but the Protestant Ministers are every where exposed to be proceeded against and punished, whensoever any suborned wretch

shall

ſhall but depoſe, that they delivered ſomething in their Sermons that was ſcandalous upon the Church of *Rome*. And they have not only ordered, under great and ſevere Penalties, That no Papiſt ſhall turn *Proteſtant*, and that none who have forſaken the Proteſtant Religion, tho' out of infirmity, lightneſs or fear, ſhall return to it again; but they have alſo ordained, That the Children of *Proteſtants* ſhall be admitted to abjure their Religion at ſeven years of Age, and in caſe they have no mind afterwards to live with their Parents, that their Fathers and Mothers ſhall be obliged to maintain them wherever they pleaſe to continue or be. It were endleſs to recount the hardſhips which the Proteſtants in that Kingdom are under; for beſides their being turned out of all offices, wherein they got a Subſiſtence for themſelves and Families; their Wives are not to be brought to bed, but by Midwives or Chyrurgeons that are *Papiſts*; nor their Children taught, unleſs it be meerly to read and write, ſave by Popiſh Schoolmaſters. Nay, as if it were not enough to forbid them to be Stewards, Bailiffs, Solicitors, Regiſters, Clerks, Notaries, and to remove them from all Employments in the Affairs of the *Finances* or Cuſtoms, and turn them out of all Military Commands by Sea and Land; they have commanded all Chyrurgeons, Apothecaries, Watchmakers, and divers other Artificers, to ſhut up their ſhops, which is in effect to require them, either to turn Papiſts, or to ſubject them to ſtarve. And to all the other miſeries, which that poor people are made liable unto for their Religion, this is not the leaſt, that they will not ſuffer them to die in quiet, but have enjoyned, that when they are ſick, they ſhall ſuffer themſelves to be viſited by a Popiſh Magiſtrate in the preſence of two Popiſh Witneſſes, without allowing any *Proteſtants*, tho' their neareſt Relations, to be by. And as we may eaſily apprehend,

that

that their errand is either to disturb them, that they may not expire in quiet; or by the utmost Cunning and Art to prevert them from departing in the same Faith, which they had all their days professed; so they think it not only a lawful, but a meritorious Act to say, that they died in the Faith of the Church of *Rome*, tho' they know the contrary to be true. And thereupon they take away all their Children to breed them in the Popish Religion, and seize the Estate to preserve it, as they pretend, for the Children of such Catholick Parents. In a word, the sufferings and calamities of the Protestants in *France*, are grown to such a height, that many thousands have forsaken their native Country, Relations, Friends and Estates; and the rest are ready to do the like, were they not debarred all ways of departure and escape. And as the severities exercised against those of the Reformed Religion in that Kingdom, are but a Copy of what we in these Nations are to look for, in case we should come under a Popish Prince; so the time hath been, that the Rulers of these Kingdoms, and such as Minister at the helm of of publick Affairs, would not have silently lookt on, and suffered those of the same *Faith* with themselves, to be thus oppressed and destroyed for no other Reason, but meerly because they are *Protestants*. Nor will it be hereafter to the Honour and Reputation of some people in the World, That the first *Edicts* of any fatal Consequence to the *Hugonets* in *France*, bore date in 1660. as if the *French* King had presumed upon the Connivence of his Neighbours, and therefore adventured to begin the Persecution which hath been by several steps advanced all along since, and is at last arrived at inexpressible, as well unsupportable severities and rigours. And I may say, that it is not without grief and sorrow, that they who love his Majesty, are necessitated to observe, how through the in-

influence of ill men about him, he hath ſuffered himſelf to be perſuaded to neglect interpoſing ſo effectually in behalf of that people, as was expected from a Prince profeſſing the Proteſtant Religion, and whoſe intereſt it is to ſhow himſelf upon all occaſions the Patron and Defender of all the Reformed Churches. And whoſoever they were that adviſed His Majeſty to abandon the concerning himſelf in the favour of Proteſtants beyond the Seas, they neither conſulted the Glory and Honour of their Prince, nor yet the Maxims which His Royal Father, as well as others who have ſwayed the *Engliſh* Scepter, were guided by. And tho' no good ſubject can think of the Uſurper *Oliver Cromwell*, but with an abhorrency of the Crimes which he was guilty of towards the Royal Family and theſe Kingdoms; yet all the World took notice, and continues to acknowledg, both with what Sympathy, Courage, and Zeal, he appeared in behalf of the Proteſtants in *Piedmont*, when their Prince the Duke of *Savoy* had employ'd Forces, and given Orders to extirpate them; and how by a Letter to the late *French* Cardinal, he check'd and ſtem'd a Perſecution which ſome Proteſtants in the South of *France* were likely to have fallen under. The poor *Hugonots* did not only long ago foreſee all that hath hitherto overtaken them, but they likewiſe made ſome near His Majeſty acquainted with it, and were ready to have propoſed ſuch meaſures as would have been able to have prevented their own ſufferings, and the diſturbance which the *French* Monarch hath given ſince to *Europe*, had they been believed and hearkned unto. But alas! inſtead of taking that poor people into our protection and care, or entring upon thoſe Counſels with other Princes, which the preſerving the Peace of *Europe*, and the ſecuring unto the *French* Proteſtants the liberty of their Religion called for, all the Intelligences we received were communicated

to the *French* King, upon which they became not only diſcouraged from placing any confidence in our Miniſters for the future, but one poor Gentleman who had ventur'd to treat with a certain perſon near his Majeſty, had the misfortune to be broken upon the Wheel, and ſome others are forced upon the like account to live in perpetual Exile from their Country. And yet even they by whom they were betray'd dare not ſay, that ever they found them enclined to depart from their Allegiance unto their own King, or to enter into any Confederacies unbecoming good Subjects and natural *Frenchmen*; but that all which they aimed at, and were willing to have tranſacted about, was only, that in preſerving their Loyalty to their Prince, they might not be ſuffered to be ſacrificed and rooted out merely for their Religion.

Nor are the Stipulations of Kings, or the eſtabliſhed Laws of Kingdoms, any ſecurity unto *Proteſtants* for their Lives or their Religion, if once the *Papiſts* eſteem themſelves furniſhed with a ſufficient Power, and a ſeaſonable Opportunity to ſubdue and extirpate it, or them. For as the Pope can Abſolve all ſuch Princes from the Promiſes and Oaths which they make to their Subjects; ſo it is a known Principle of the *Romiſh* Church, That no Faith is to be kept with Hereticks. And where the Prince, by not having the whole Legiſlation in himſelf, is reſtrained from repealing *Old*, and Enacting *New* Laws at his pleaſure, he will either mould and influence thoſe who have a ſhare with him in the Legiſlation, to a compliance in what he deſigns; or he will venture at the trampling upon all Laws, and through the efficacy of the Principles of the *Popiſh* Religion, will purſue the Extirpation of Hereſie, in defiance of all Boundaries preſcribed unto him by the Law. For what greater aſſurance could the *Proteſtants* in *France* have for the Liberty of their Religion,

gion, and the preſerving unto them all the Rights and Priviledges of *Frenchmen*, than they enjoyed by that *Edict* of *Henry* the fourth, commonly ſtiled the *Edict* of *Nantes*, from the City where the King was, when it was concluded; and yet notwithſtanding that *Edict*, they are treated as if they were neither Chriſtians nor *Frenchmen*; being deprived of all that was therein granted unto them, and brought to ſuffer every thing which that *Edict* was purpoſely made to defend them from. For whereas by the ſaid *Edict* they have a great number of Churches allowed unto them for the open exerciſe of their Religion; and it is ordained, that it ſhall be left free for any *Papiſt* to turn *Proteſtant*, and that thoſe of the Reformed Religion ſhall be as capable of enjoying publick Charges, Honours, Royalties, and of exerciſing any Art or Trade, as the Roman Catholicks themſelves ſhall be, and that there ſhall be no difference betwixt *Proteſtants* and *Papiſts* as to the ſecurity of their Lives, the ways and means of their ſubſiſtence, their authority over, and freedom of educatiug and diſpoſing their Childred; yet through an implacable hatred which *Popery* inſpireth men with againſt all that differ from them in Religion, they are rob'd of all that was therein eſtabliſhed in their favour, and ſubjected to all the miſchiefs which the fury of their malicious enemies, and the power of a Prince guided by Father *le Chaiſe* the Jeſuit, can inflict upon them. And as the *Edict* of *Henry* the fourth, tho confirmed by *Lewis* the thirteenth, proves no ſecurity to the *French* Proteſtants againſt the preſent Perſecution which they are groaning and periſhing under; ſo it is to be feared, that the Laws which the Proteſtants in other parts of the world do truſt unto for the preſervation of their Religion, Lives and Legal Rights, will be as inſignificant to the ſecuring theſe unto them, in caſe they

ſhould fall under the power of a *Popiſh* Prince, or that the Counſels of Miniſters Popiſhly inclined ſhould prevail, as the *Edict* of *Nantes* hath been to the *Hugonots*. For it is obſervable, that as the *Scots* have at all times teſtified as much Zeal for the Reformed Religion as any people in *Europe* have done, ſo they took care to eſtabliſh the continuance of it to them and their Poſterity, by as good Laws as any Nation in the world could; yet upon finding how uſeleſs ſuch Laws, as I ſhall name, are unto the ends for which they were made and enacted, there is a wonderful Jealouſie poſſeſſeth the generality of that Kingdom, That nothing can preſerve them from being enſlaved again to *Popery*, but His Majeſties outliving the Duke of *York*. For it is Ordained by the Law of *Scotland*, *That no man is to bear any publick Office within that Realm, but ſuch as profeſs the Proteſtant Religion: And that none who ſhall not make profeſſion of the ſaid Religion, ſhall be reputed a Loyal and Faithful Subject to the King, but be puniſhable as a Rebel: And that whoever ſhall at any time happen to Reign and bear Rule over that Realm, ſhall at the time of his Coronation, and the receipt of his Princely Authority, make his faithful Promiſe by Oath, in the preſence of the Eternal God, That during the whole courſe of his life, he ſhall ſerve the ſame Eternal God, according to the uttermoſt of his power, as he hath required in his moſt holy Word, revealed and contain'd in the old and new Teſtaments, and ſhall according to the ſame maintain the true Religion then profeſſed and received within that Realm*, &c. And therefore ſeeing theſe Laws have not been ſo obſerved, but that one who doth not profeſs the *Proteſtant* Religion, hath contrary unto them wrought himſelf

James 6. p. 6. Act. 9.

James 6. p. 3. Act 47.

James 6. p. 1. Act. 8.

Charles I. p. 1. Act. 4.

himſelf into the chief adminiſtration of Affairs there under His Majeſty, hath preſided daily in Council, and ſate as the Kings Commiſſioner in Parliament; they begin to apprehend that other Laws may prove as ineffectual for the ſecuring the Proteſtant Religion to the Nation, as theſe have been to the excluding one from the higheſt Places of Authority and Truſt under the King, who hath not declared himſelf for the Proteſtant Religion, as the foreſaid Laws do require.

Beſides, it is not to be queſtioned but that the Proteſtants of this Kingdom in the time of *Edward* the ſixth, thought they had gotten their Religion ſo eſtabliſhed by Laws, that there was no fear of the reintroduction of Popery, whoever ſhould afterwards aſcend the Throne; and yet Queen *Mary* was no ſooner come to the Crown, than contrary to the Law of the Land, as well as her promiſe to the *Suffolk*-men who had eſpouſed her Title and Quarrel againſt the Lady *Jane*, ſhe publiſhed a Proclamation to forbid and inhibit all Preaching and Expounding of the Scripture, without her ſpecial Licenſe. Which was to ſubject the Reformed to puniſhment if they offended, whereas the Papiſts were ſure not only to be pardoned in caſe they tranſgreſſed, but were thereby in effect countenanced to reſtore the *Romiſh* Worſhip and Service. And when a Parliament was called, there was not only violence uſed in divers places, to hinder the Commons from aſſembling to chuſe, and the election of ſeveral who were judged fit for the Queens turn, promoted by force and threatnings; but there were many falſe Returns made, and ſome duly elected forcibly turned out of the Houſe. Upon which all the Laws againſt Popery came eaſily to be repealed, and new Laws made for the ſuppreſſion of the Reformed Religion, and the perſecution of Proteſtants. Which as it ſerveth to convince all that have

not

not wilfully ſhut their eyes againſt light, and who are not reſolved with a brutiſh obſtinacy to withſtand reaſon, what we are to expect from a Popiſh Succeſſor, notwithſtanding all the Laws which we enjoy for our ſecurity; ſo the rage wherewith the Papiſts are at preſent tranſported and inflamed againſt the Proteſtants of theſe Kingdoms, and the temper of the Gentleman whom they labour to ſee advanced to the Throne, may cauſe us reaſonably to fear and apprehend ſeverer perſecutions in caſe he ſhould attain the weilding of the *Britiſh* Scepter, than ever our forefathers under Queen *Mary* ſuffered or met withal. For the *Scheme* which he hath ſet in *Scotland*, while he is but a Subject, and greatly reſtrained by the Wiſdom, Goodneſs, and Authority of His Majeſty, from accompliſhing half of what we are to ſuppoſe him inclined unto by his Principles, may ſufficiently ſatisfie all mankind what he is like to prove, ſhould he ever come to act with an uncontrolled liberty, and have an opportunity to diſplay the complexion of his mind. His proceedings againſt the Earl of *Argyle*, do not more ſurpriſe all the World, than they proclaim how little he values the Lives of the Greateſt and moſt Innocent Peers, if they will not become ſubſervient to his Intereſt, and inſtrumental in his Popiſh and Arbitrary Deſigns. And as the Earl's offering to explain in what ſenſe he was willing to take the Teſt, is a thing which no Law can juſtly forbid, and which a Cobler might have done in *England*, in the like caſe, without being ſo much as liable to a rebuke; ſo it is not unworthy of the knowledg of the World, that he communicated the Explanation to his Highneſs beforehand, and deſired to know whether he might not be allowed to take it with the Proviſo's which he afterwards mentioned in Councel. And as the Duke did not prohibit, but ſeem'd to permit, at leaſt to connive at what was propoſed; ſo it is remarkable, that the ſaid

Earl

Earl was ſuffered to take his Place in Council after he had taken the Teſt in the ſenſe which that Explanation did import. But his Intereſt in the Kingdom, and his ſtedfaſtneſs and zeal for the Proteſtant Religion, adminiſtring matter of diſlike and jealouſie, ſeeing nothing more material or really Criminal did occur, were thought fit, after ſome Nocturnal thoughts, and private Conſults, to be laid hold upon for the ruining a Perſon, vvhom as they could not manage to the ſervice of their purpoſes, ſo they dreaded the prejudice he might do them by running croſs to their Deſigns.

Nor is the Earl of *Argyles* entertainment more ſevere in having that called Treaſon, vvhich the common reaſon of mankind, and all the Lavv of the World juſtifies; than it is expreſly contrary to the Lavv and Practiſe of *Scotland*, to condemn, attaint, and forfeit any, unleſs they either are or have been in actual Rebellion, but ſuch as are perſonally preſent, or have had Warning given them to appear. But the unpreſidented Severity vvhich this Great and Wiſe Nobleman hath had meaſured unto him, may be a Warning to all His Majeſties Proteſtant Subjects, what they are to expect, if this *Commiſſioner* in *Scotland* arrive once to be King of *Great Britain*, *France* and *Ireland*; and how little the Laws which we ſo much rely upon, will avail us, if we be found to thwart his will and humour.

And as Laws are no ſecurity to Proteſtants againſt the Malice and Cruelty of the Papiſts, when once they are armed with Force and Power ſufficient to deſtroy them; ſo neither the Liberty and Priviledges which the Papiſts are ſuffered equally to enjoy with our ſelves, nor the Favours and Civilities which we have been ready upon all occaſions to heap upon them, can reſtrain or hinder our being ruined, whenſoever they are furniſhed with an opportunity to attempt and accompliſh our extirpation. The Bloody Cru-

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elties of Queen *Mary* to the *Suffolk* Proteſtants, who in effect ſet the Crown upon her Head, and the barbarous Severities exerciſed at preſent againſt the *Hugonots* of *France*, who not only with the expence of their Treaſure and Blood eſtabliſhed *Henry* the 4th on the Throne of *France*, when the Princes of *Lorrain* would have excluded him, but by their Courage and Valour preſerved the Soveraignty unto him, that at this time perſecutes them, when the Prince of *Conde* would have wreſted the Government out of his hand, are ſo many uncontrollable Arguments and Demonſtrations, that no Merits or Services can ſecure Proteſtants from the Rage and implacable Malice which the Popiſh Religion inſpireth men with. And as the *Iriſh* Maſſacre ought never to be forgotten by the Proteſtants of theſe Dominions, ſo it had this ingredient to aggravate the Barbarity of it, that it was perpetrated at a ſeaſon, when inſtead of having any reaſon to complain of their uſage by the *Engliſh*, they were in the quiet poſſeſſion of equal Priviledges almoſt with themſelves. But if we will deſcend to the preſent time, and take a view of what the condition of the Papiſts hath been ſince His Majeſties happy Reſtoration, we ſhall eaſily perceive, what an ungrateful generation of men they are, and that they are not capable of being obliged by kindneſſes. For, to begin with the *Iriſh* Papiſts, who of all men deſerved leaſt lenity from a Proteſtant Government; it is remarkable that notwithſtanding the Rebellion, wherein they had been ingaged, and the infinite ſlaughters which they had committed in a time of Peace, without the leaſt provocation adminiſtred unto them; yet there hath not any Law been made againſt them ſince the King's Return, ſave one againſt their living in Walled Towns, which was ſuſpended by His Majeſties Command expreſſed in a Letter to the

Lord

Lord *Deputy* and Council from being put in execution. And as to the ancient Laws which vvere in being and force againſt them, that vvhole Kingdom ſwarming with Prieſts and Friers, and their celebrating Maſs every where with as much openneſs as the Parochial Miniſters do preach the Word, or read the Liturgy, are undeniable Evidences how little thoſe Laws have been applied to their hurt or prejudice. Nay, they have been not only connived at in the reintroduction of the vvhole Popiſh *Hierarchy* into that Kingdom, and allovved the holding a Publick Aſſembly of the Papal Clergy by a Commiſſion from the Duke of *Ormond* in the year *1666.* for their Sitting; but they have equally, vvith His Majeſties Proteſtant Subjects, been advanced to ſeveral places of Civil Power and Truſt, ſo that when the Plot was to have been executed in *England*, *Anno 1678.* there were no fewer than fifteen *Sheriffs* in *Ireland*, who were either profeſſed and avowed *Papiſts*, or ſuch as bred and educated their Children in that Religion. And yet while this Forbearance and Tenderneſs have been expreſſed to the *Papiſts*, ſuch of His Majeſties *Proteſtant* Subjects as in that Kingdom diſſent from the Eſtabliſhed Rites and Ceremonies of the Church, have fallen under the misfortune of having an expreſs Law made againſt them, and divers Loyal Subjects, who profeſs the *Proteſtant* Religion in all its Doctrinal Articles, have been proſecuted to Fine and Impriſonment upon it. And as to the *Papiſts* in *England*, they were ſo far for many years after His Majeſties Reſtoration, from having any new Laws made againſt them, that they never felt the weight of the old ones. For ſaving the open exerciſe of their Religion, whereof they have been reſtrained, they enjoyed the ſame ſafety as to their perſons and eſtates, which the Kings Proteſtant Liege people did. Nay, many of them beſides their having the perſonal favour of the Prince equally with

others, they were admitted in to Places and Employments of Profit and Truſt. And tho by their late Helliſh Plot they are made liable to ſome Teſts, or to be diſabled from ſitting in Parliament, and rendred uncapable of publick Truſts; yet notwithſtanding the provocation which the Nation might have juſtly conceived againſt them upon the account of that Damnable Conſpiracy; there hath not to this day been any new Laws made againſt them for their Religion; nor can they with any truth and juſtice complain of the rigorous execution of thoſe which had been enacted before. Whereas notwithſtanding the agreement that is between all His Majeſties Proteſtant Subjects in the Fundamental points of Religion, thoſe that are called Proteſtant Diſſenters have not only been proſecuted ſince His Majeſties Reſtoration, upon ancient Statutes which were purpoſely made & intended againſt none but Popiſh *Recuſants*, as well as upon that of the 35 of Queen *Elizabeth*, which being alſo made upon the dangers that the Kingdom was in from the *Papiſts*, as appears by the Speeches and Debates of the greateſt Stateſmen who were in that Parliament, ſeems to have been originally deſigned againſt none but them [*vide Townſend* Hiſtorical Collect.] but there have beſides been no fewer in one kind and other, than five ſeveral new Laws, and theſe none of the gentleſt, enacted againſt them. And while the *Papiſts* have hardly felt the ſeverity of the Laws, which are in force againſt Popiſh Recuſancy; the Proteſtants have unconceivably ſuffered by virtue of the *Laws* made againſt Diſſenters from the Government, Diſcipline, Rites and Liturgy of the Church; and upon a Law for *Regulating Corporations*, whereof the moſt material terms were judged inconvenient, burdenſome and grievous, when intended to have been impoſed upon others in the form and manner of a Teſt.

Now

Now having ſuggeſted theſe things both in the feweſt words I can, and with all imaginable regard and attendance to Truth; we ſhall in the next place with the like ſincerity and briefneſs, intimate and recount what Plots, Conſpiracies, and Deſigns, the Papiſts have of late years been engaged in, and purſued, to the ſubverſion of our Religion, and the deſtruction of our Lives and Liberties, notwithſtanding the tenderneſs of the Government towards them, and the excellent Laws which we are provided with and enjoy, both for the ſecurity of all theſe unto us, and for our protection from the Machinations of all *Popiſh* Enemies. And tho' the methods wherein they have acted, and the ſteps they have taken, have been ſo ſecret as well as various, that it is impoſſible fully to trace and diſplay them; yet ſo much is obvious to all who do not wilfully ſhut their eyes, that by relating only what we demonſtratively know, we may be able to form a judgment concerning their Councels and Actings, which lye more concealed and hid. It is to the influence which the *Papiſts* have had upon our Publick Miniſters, that we owe the Enacting of thoſe Laws, which as they were directly calculated to ruin many of His Majeſties *Proteſtant* Subjects, ſo they have weakned the whole Reformed Intereſt in theſe Kingdoms, by encreaſing our Differences, and inflaming Jealouſies, Heats and Animoſities amongſt us. And if it was not from ſome of our Councellors being under their Guidance and Conduct, that we embarkt in a bloody and expenſive War with our *Proteſtant* Neighbours, *Anno* 1665. both to the weakning them and our ſelves, and the giving opportunity to a *Popiſh* Prince to aſpire to a formidable growth; It was certainly from the Power and Intereſt which they had in ſome truſted with the manage of our Affairs, that the *Triple League* came to be diſſolved, an Alliance contracted with

the *French*, and a Second War, wherein we were abandoned and betrai'd by our new Confederate, begun *Anno* 1672. againſt the *Dutch*. I will not deny but the Grounds and Cauſes of our quarrelling then with them, might be weighty and juſt; yet ſeeing it appears ſince by the Declarations which the *French* King cauſed to be made by his Ambaſſadors to the *Emperour* and the *Pope*, that his invading them at that time by agreement and concert with us, *Was to extirpate thoſe Hereticks, and deſtroy Hereſie*; I ſuppoſe our Miniſters may not only find reaſon to believe, that *Popiſh* Councels did more influence our Reſolves and Affairs of State, than they were aware of; but to wiſh they had not encouraged His Majeſty to that War, and rather to have ſought to adjuſt differences betwixt them and us in an Amicable way. And ſince our being through that aſcendency which the *Papiſts* have over ſome great Perſons near His Majeſty, engaged in a cloſe and ſtrong Conjunction with the *French* King; It is not to be imagined what advancement the *Papiſts* have made to the ruining of the *Proteſtant* Intereſt through all *Europe*, as well as in theſe three Nations. For as the *Popiſh* Clergy do univerſally apply themſelves to the promoting the Grandeur, Empire and Soveraignty of *France*, in hopes that he will enſlave all thoſe to their Religion, whom he ſubdues to an Obedience to his Scepter; ſo they have all along, by the impreſſions which they make upon our Miniſters, been endeavouring to prevail over us, not only to remain Neutral, while he is purſuing his Conqueſts, but to contribute to his Victories, by aids of Men and Ammunition. Nor is it an inconſiderable ſtep and advance, which by keeping us linkt to *France*, the *Papiſts* have made to the ruin of theſe Nations, in that they have hereby cauſed a wonderful miſunderſtanding between His Majeſty and his People,

and

and filled the beſt and wiſeſt of the King's Subjects with jealouſies, that it is through a concert with that foreign Monarchy, that Parliaments are either Called, Prorogued or Diſſolved. And as the *Papiſts* in theſe Nations are emboldned by the Confederacy between us and *France*, to maintain an intimate and dayly Correſpondence with that *Court*; ſo it is juſtly to be apprehended, that they have made themſelves ſure of Supplies of Power and Succour from thence, whenſoever they ſhall judge it convenient to ſet upon deſtroying our Religion, and altering the Government. But beſides all which they have either endeavoured, or been able to effect towards the deſtroying us and the Reformation in theſe Nations, through the influence which they have had upon Miniſters of State and Publick Councels; they have entred into Conſpiracies for the overthrowing Religion and extirpating *Proteſtants*, wherein we are inclinable to believe, none have been truſted but themſelves. And as the Burning of *London* in *September* 1666. was the firſt plain and uncontrolable Evidence, that the freedom of their own conſciences, and the private liberty of their Religion, would not content them; but that they were implacably bent upon the ruine of all His Majeſties Liege people, who differ from them in Principles of Faith and Worſhip; ſo we are well aſſured, that their Malice and Rage had not terminated in the firing our Houſes, but that they would have mingled the blood of the inhabitants with the aſhes of their dwellings, had not the courage and ſpirit of ſome of their own party failed them, and had not the Citizens been awaken'd to a ſenſe of their danger, and appeared reſolute to ſell their Lives at a dear rate. And tho we are moſt ready to believe that none had a hand in the contrivance and execution of that Villanous Deſign, but the Papiſts; yet the reſcuing ſome out of the hands of Officers and others,

who

who had been taken in the very act of throwing Fireballs, and diſmiſſing divers without proſecution, againſt whom the ſame Fact was ſworn, clearly argues, that the Authors and Inſtruments of that horrid Crime, had many great and potent Friends, who were forward to protect them from the puniſhment and demerit of it. But the Papiſts having miſs'd the opportunity of cutting the throats of the Hereticks, when they were under a conſternation and amazement; and finding that the Flames of *London* had enlightned many concerning their Deſigns, who vvere before both ſecure and poſſeſt vvith more favourable thoughts concerning them, and perceiving that notvvithſtanding the Mercinarineſs of the Members of the Long-Parliament, there vvas no hope of biaſſing them by Bribes and Penſions either to eſtabliſh Popery by a Lavv, or ſo much as give an univerſal Toleration to the *Roman Catholicks*; they arrived at laſt to theſe Devilliſh Reſolutions, of Murdering the King, and Maſſacring all the conſiderable Proteſtants in the Kingdom. This vvas the Plot into vvhich all their Contrivances at laſt reſolved, and vvhich they had determined to have executed in the latter end of 1678. For the conſtant expence vvhich they vvere at in carrying on the Conſpiracy, being grovvn ſo burdenſome, that they could not much longer maintain and ſupport it; and the Parliament being after the breach of the Triple League, and the formidable grovvth of *France*, become leſs manageable to the ſubſerving their more calm and leiſurely Deſigns; and finding vvithall, that the Nation begun to fear and apprehend that the Papiſts had ſome extraordinary thing in agitation; but eſpecially the jealouſie and dread they vvere in leſt His Majeſty might uotlive the Duke of *York*, in vvhom they placed all their hopes of obtaining the re-eſtabliſhment of their Superſtition and Idolatry, ſhould he once aſcend the Throne, vvere

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the motives and inducements upon which they determined to defer and adjourn matters no longer, but to put all upon one desperate and bold adventure. Nor could they ever expect to be in circumstances which could promise them a greater moral certainty of success, than they were in at that time. For as the Power, Forts, and Strength of the Nation, were either in Popish hands, or entrusted to such whom they might so far rely upon, as not to fear any considerable opposition from them; so the Duke of *York*, who is known to be a person as zealous for the Papal Cause, as any of themselves, was ready to have assumed the Crown; and if not inclined to authorise directly what the Papists were to do, yet forvvard enough, as vvell as capable through his possessing the Regal Povver, to fright Protestants into a quiet submission to the Svvords of their Enemies, or declare them Rebels, that should dare to arm for self defence. And as there vvas no less than *Twelve hundred thousand pounds* payable at that time into the Treasury, being the money vvhich vvas granted for the carrying on a War against *France*, the thoughts whereof expired vvith the passing of the Bill; so there vvas a formed Army of *Thirty thousand men*; vvhich having been raised upon the same pretence, vvould have been ready to have received and obeyed the Commands of the King that vvas designed to succeed. And if the *Romish* Conspirators in conjunction with that Army, should have proved too few to dispatch and extirpate the Hereticks in these Dominions, all things were so well adjusted, the Peace of *Nimmeguen* being at that time so near a conclusion, that the *French* King, whom for divers years the Papists have depended upon, and accordingly interested him in all their Councils, could without the abandoning his concernments abroad, have assisted and supplied them with large and powerful succours. Nor is

it

it to be imagined, how the murder of the King, which as it was to have been the first *Scene* of this new *Tragedy*, was also to have been charged upon the Phanaticks, would have enraged one half of the Protestants against the other. For having obtained Mr. *Claypool* to be imprisoned about that time in the *Tower*, upon a forged accusation of his having said, That he, and Two hundred more had resolved to kill the King, they thereupon reckoned, that could they but succeed in the designs which they had formed against His Majesty, the Protestant Dissenters would both undergo the *scandal* and *odium* of it, and feel the revengful resentments of the Nation. And then after that many of the Protestants had embrued their Hands, and dyed their Swords in one anothers blood, it was determined, that the rest should fall as a Sacrifice, to be offered up by the Roman Catholicks to the Holy See. Thus according to the best Rules and most solid Foundations that men are to judg of the success of Designs, they might very rationally think themselves secure of effecting and accomplishing whatsoever they intended. Nor was the King ever in a more perfect security, or they who were destined to be slaughtered with him, less provided of means for their defence.

But God would not abandon his Worship and Truth, nor surrender an infinite number of innocent people to the rage and fury of the enemies of his Name and Glory: For it is to him alone, that we owe the discovery of this Papal Conspiracy which as it hath filled all Europe, as well as these Three Nations with wonder and horror; so the truth and reality of it is supported, and put beyond all doubt and question, by the most convincing, and uncontroulable Evidence that a Matter of Fact is capable of. The King hath testified his belief of it by several Proclamations. Four several Parliaments, upon the most impartial enquiry

which

which they could make, have declared, that they are fully aſſured there was ſuch a Deſign, the Conſpirators own Letters and Papers confirm and juſtifie the Depoſitions of the Witneſſes who detected it; the flight of ſome, and Condemnation of divers of the principal Criminals, have reconciled it to the belief of all who were not either intereſted in it, or did not at leaſt wiſh, that it might have ſucceeded. Yea, the preparations of Horſe and Arms, which the *Papiſts* had been known to make before hand, proclaim aloud the Deſign upon which they were at ſo vaſt an expence; and the murdering one Miniſter of Juſtice, and doing all they thought needful to Aſſaſſinate another for diſcharging their Duty in the detection of it, are ſo many undeniable Evidences of their being guilty of what they are accuſed of. But notvvithſtanding the Wickedneſs of vvhat was intended, and the clearneſs of the Proof to convict them; yet ſuch is their Influence upon Publick Miniſters, and ſo great is their Povver in all our Councels, that vve can neither obtain the having the principal Conſpirators brought to Legal Trial, nor procure any effectual proviſion tovvards the ſaving our ſelves, and ſecuring our Religion from their Cruelty and Rage. Inſtead of ſeeing them proſecuted according to the demerit of their Crimes, or finding any proportionate means uſed to diſcourage and check their Deſigns, we have not only beheld ſuch Juſtices turned out of the Commiſſion of the Peace, who vvere moſt zealous againſt *Popery* and Arbitrarineſs; but we have ſeen four ſeveral Parliaments Diſſolved before they could bring Offenders to Juſtice, make a due and thorough inſpection into the Plot, or put the Kingdom into a poſture of Safety from the dangers vvhich threaten it from *Popiſh* Counſels, and the claim vvhich a *Papiſt* may pretend hereafter to the Throne. And vvhatſoever His Majeſties care

and zeal have been either for the Diſcovery of the Conſpirators, or the bringing them unto condign Puniſhment; yet his Royal Intentions have been ſo ill ſeconded, that ſeveral Prieſts, as well as others vvho ſtood accuſed, have been firſt harboured near his Royal Palaces, and then conveyed beyond Sea in Yachts belonging to ſome that are nearly related unto his Royal Perſon. The dread of diſpleaſing one Gentleman, doth ſo prevail over the Obedience vvhich every man owes the King, that vvhen His Majeſty had commanded by his Proclamations that all the *Papiſts* ſhould be diſarmed, ſcarce one of a thouſand had ſo much as a Piſtol or Sword taken from him. Our Lieutenants and Juſtices have been under thoſe impreſſions of fear, leſt they ſhould offend great men, that neither the regard which they ought to bear to their Native Country, and the Religion which they ſeemingly profeſs, nor the tenderneſs which they are bound by their Fealty and Allegiance to have for His Majeſties Safety and Life, have been powerful enough to cauſe them to keep that hand over the Papiſts, which the Laws of the Land do at all times require, and which the preſent circumſtances we are in from thoſe of that Religion, render moſt indiſpenſably neceſſary. Some are enclined to believe, that it is not the leaſt of the Earl of *Argyle*'s Crimes, that he was the only man of Quality in *Scotland*, who after the Diſcovery of the Plot, took out a Commiſſion for diſarming the Papiſts. And it is not improbable, but that the Authority which he hath in the *Highlands*, and overawe the Papiſts there by vertue of his being Lord *Juſticiary* in thoſe parts and his being able upon any occaſion to check and bridle the Marqueſs of *Huntley* from attempting any thing to the diſturbance of the Kings Peace, and the prejudice of the *Proteſtants*, was one main reaſon and ground of his late Proſecution. However this is not unworthy of our obſervation,

vation, that My Lord *Mac-Donals* invading the Shire of *Argyle* with an armed Force, merely for being required by the foreſaid Earl, to deliver up his Arms, was never called to an account, yea ſcarce ever received a *Reprimand* from thoſe in Authority under His Majeſty in *Scotland*, tho' when he had a *Herauld* ſent to him by the Council, requiring him to disband his Forces, he tore his Coat from his back, and ſent him home to *Edenborough* with all the marks of contempt to them, and diſgrace to the Officer. But may be, that Lord being a Papiſt, his Religion is judged enough by ſome to attone for his Treaſon. But as a further evidence that the Papiſts, notwithſtanding their late horrid Conſpiracy, have been both protected from the Juſtice of the Law, and left ſtill in a capacity to execute their Deſigns againſt the Hereticks, it is remarkable, that tho' a Proclamation was publiſhed in *Ireland* for ſearching the houſes of all *Roman* Catholicks for Arms, yet when the Sheriff of the County of *Galloway* went in purſuance thereof to ſearch the Earl of *Clanrickards* houſe, where, as he was informed, all the *Papiſts* in that County had lodged their Arms, the ſaid *Earl* produced a Warrant from my Lord Lieutenant the Duke of *Ormond*, that his Houſe ſhould not be ſearched. And do we not therefore upon the whole ſee, that whereas the Papiſts were in a wonderful conſternation upon the firſt Diſcovery of the Plot, as apprehending from the knowledg which they had of their own Guilt, what they deſerved to have inflicted upon them, how they are of late not only grown ſceure and jolly, but more rampant and inſolent than ever?

Nay, ſo great is their Intereſt and Power, by means of the Duke of *York*, and ſuch whom he either overaweth or otherwiſe influenceth, that they do not only eſcape the puniſhments which they are liable unto for their Treaſons; but they have obtained to have the Laws made

againſt Proteſtant Diſſenters, to be executed with the utmoſt Rigour and Severity, while in the mean time themſelves are as good as connived at in the violation of all the Statutes Enacted againſt Popiſh Recuſancy. For this cannot be thought to proceed originally from the King, being ſo inconſiſtent with that Princely Wiſdom which he hath always manifeſted, when not over-ruled by the importunity of Ill Men. How unlikely is it, that a Prince who receiveth and indulgeth Foreign Proteſtants, ſhould at the ſame time encourage the diſtreſſing his own Subjects, that do no otherwiſe differ from the Church of *England*, than as thoſe Foreigners do? Nor can it be the advice of any ſincere and true Proteſtant, to have the Laws executed at this ſeaſon and juncture againſt *Phanaticks*, it being ſo apparent a weakning of the whole Reformed Intereſt in theſe Kingdoms, and a betraying all the *Proteſtant* party into the power and hands of their worſt Enemies. And ſeeing none but the *Papiſts* can reap any benefit or advantage by it, it muſt be they and none elſe that were the firſt Authors, and continue to be the promoters of ſuch Councels. And as ſome of theſe Laws were procured by the means of Sir *Thom. Clifford*, Sir *Thom. Strickland* and others, who have ſince appeared to be *Papiſts*; ſo it is not unpleaſant to obſerve how they have endeavoured to get them either ſuſpended or executed, according as this or that have lyen in an uſefulneſs to their Deſigns. Nor can we otherwiſe believe, but that as ſome of our Miniſters obtain'd them to be diſpenſed with 1672. in favour of the Papiſts, ſo others purſue the having them put in execution in 1682. out of friendſhip to the ſame people. Thus the Laws, which were pretended at firſt to have been made for the preſervation of the Church of *England*, have been from time managed to ſet forward the concernments of the Church of *Rome*, and

advance

advance the projections of the *Papists*. Accordingly we have beheld them ſuſpended for divers years, when both moſt of the *Engliſh* Clergy were earneſt to have had them executed, and when the execution of them ſeemed to lye in a ſubſerviency to ſupport the grandeſs of the Church; But now when neither the Church can be able to ſubſiſt, nor are any means left to the preſervation of the *Proteſtant* Religion, unleſs Moderation and Lenity be exerciſed to Diſſenters, we are made daily and ſad Spectators of Oppreſſion, Spoil and Havock brought upon a quiet, induſtrious and uſeful people, by the execution of theſe very Laws. And we may be ſure the *Papists* hug and ſolace themſelves, to find that through the Aſcendency which they have over ſome Publick Perſons who influence all our Counſels, they can apply the Laws to the ruin of many *Proteſtants*; and in revenge for their having eſcaped their murderous and bloody hands, engage the Government and Authority of the Nation againſt them. Nor is it leſs than a matter of Triumph to them to think, that when the Commons of *England* in Parliament aſſembled had not only read and committed a Bill *For the uniting His Majeſties Proteſtant Subjects*; but Reſolved it as the Opinion of that Houſe, *That the proſecution of Proteſtant Diſſenters upon the penal Laws, is at this time grievous to the Subject, a weakning to the Proteſtant Intereſt, an encouragement to Popery, and dangerous to the peace of the Kingdom*; they ſhould not only be able to alienate and exaſperate us more from and againſt one another, than ever we were, but procure one Proteſtant to proſecute another upon the Penal Laws, to the ſcorn and contempt of the Wiſdom of Parliaments, and the proclaiming to all the world of how little eſteem and value their Counſel and Advice are. What effect theſe proceedings upon the Penal Law againſt Diſſenters may have upon o-

thers,

thers, who are not Phanaticks, is not eaſie to be throughly apprehended; but it is certain that the *Engliſh* are naturally inclined to cenſure whatſoever is extremely rigorous, and to compaſſionate ſuch as ſuffer merely for Religion, & not for Crimes againſt the peace and ſafety of the Government. How ſoon did the Nation grow diſſatisfied with the Cruelties of Queen *Mary*; and even they who had no Religion themſelves, came to abhor the ſeeing their Countreymen burnt for Principles which had no influence upon the ſubverſion of Thrones, and diſturbance of Societies? Yea, tho her ſecond Parliament revived the old Laws againſt Hereticks; yet the minds of men were ſo much altered in a little time, that the *Commons* in the third Parliament of that *Queen*, would not paſs a Bill which was brought in for incapacitating thoſe from being Juſtices of the Peace, that were ſuſpected to have been remiſs in proſecuting Hereticks. And it is remarkable, that not only our late Parliaments were for the mitigation of the Laws againſt Diſſenters, and for the uniting all His Majeſties Proteſtant Subjects; but even the Long Parliament, which had been the Authors of all the new Laws againſt Phanaticks, ſaw a neceſſity, if they would preſerve our Religion, and the Lives of Proteſtants from the dangers which threatned them by means of the Papiſts, to take other meaſures than they had acted by before, and to recur to Methods of Lenity. Accordingly the Houſe of *Commons*, in the Seſſion that was held *February* 1672. ſent up a Bill to the *Lords* in favour of Diſſenters, and about the Union of Proteſtants. Nor is it to be imagined what jealouſies it raiſeth in the minds of moſt people concerning what they and all Proteſtants are to fear in caſe of a Popiſh Succeſſor, by ſeeing many of the ſobereſt in the Nation, and who agree with the preſent Church in all Doctrinals of Faith, and Eſſentials of Worſhip, ſo ſeverely treated and proſecuted

cuted under a Proteſtant King, only becauſe of their differing from thoſe of the eſtabliſhed National way in ſome little and inconſiderable things. And by how much all this rigor againſt Proteſtant Diſſenters is thought to have its riſe from the counſels and importunity of the Duke of *York*, by ſo much are all thinking men poſſeſt with aſtoniſhing apprehenſions of the Cruelties which they muſt expect to undergo, if he come once to wear the Crown. For being univerſally ſuppoſed and taken to be a Papiſt, and thereupon of a Faith altogether oppoſite to ours; ſo we are not now to learn, that the very principles of his belief will oblige him to extirpate all that will not own the *Tridentine* Creed. Yea, ſuch people as dare ſpeak their thoughts, do commonly ſay, That the reaſon why the Duke adviſeth His Majeſty to courſes ſo contrary to the Meekneſs and Compaſſion of his Royal Breaſt, as well as the whole tenor of his Reign hitherto, is that he may darken and eclipſe the Glory of His hitherto merciful Government, and by putting him upon auſterities towards ſubjects who profeſs the ſame Religion that their Prince doth, juſtifie himſelf hereafter in all the Slaughters and Barbarities which by virtue of the malicious ferment of Popery, he may be inclined to perpetrate upon thoſe whoſe Religion he ſo implacably abhors, as he doth that of Proteſtants. But would it not be worthy of the ſerious conſideration of thoſe at the Helm, That it is not only the Diſſenters who ſuffer by the Execution of the Penal Laws, but the whole Nation which participates in the profits and advantages of their Induſtry. More eſpecially all they who have any relation unto, or ſuch as manage any Commerce with them, do all bear a common ſhare in their Calamities. And beſides the recentments which will ſpring up in the minds of men, by ſeeing an innocent people haraſſed, whoſe Lives tho they do not imitate, yet they cannot but

commend; will it not be apt to impreſs their hearts with ſecret diſguſts, to ſee a Body of men ruined and impoveriſhed, in whoſe hands three parts of four through the whole Kingdom have leſs or more of their Intereſts involved? And whereas none ſave the Informers are either deſirous or likely to gain by theſe violent courſes, the King being too generous as well as good, to ſell his Treaſury with the ſpoil of the oppreſſed; would it not become our Publick Miniſters to conſider, whether it be a congruous and wiſe thing, to glut and ſatisfie the Avarice of an idle and unprofitable ſort of people, not only at the coſt and expence of many honeſt and induſtrious Families that will be ruined, but at the vaſt diminution of the Trade of the Nation, and proportionably the leſſening the King's Profit and Revenue? Nor are ſuch as do fully conform to the Worſhip, Diſcipline and Ceremonies of the Church offended as well as ſurprized, at the ſeeing Diſtreſſes levied upon their harmleſs Neighbours, only for their Conſciences towards God; but they are wonderfully alarm'd at the manner in which they are daily diſſeized of their eſtates, being without the Enquiry and *Verdict* of a Jury. Such was the care of our Anceſtors for the ſecurity of our Eſtates as well as our Lives, that by that which is conſign'd to us as the *Common Law* of the Land, we have this fence and bulwark to guard our Property, That we ought not to be diſpoſſeſt either of the whole or any part, but upon a hearing and trial by a Jury. I know that by the *Acts for preventing and ſuppreſſing Seditious Conventicles*, ſuch and ſuch Officers as are therein named, have a power given them to levy the reſpective Fines that are impoſed upon Offenders, without the Enquiry or *Verdict* of a Jury; but I alſo know, that an Act of Parliament hath not heretofore been ſufficient to juſtifie and protect thoſe, who have invaded

vaded the Properties of men and diſſeized them of their Eſtates, without a previous and Legal Trial. Tho' *Empſon* and *Dudley* thought themſelves ſecured by the Authority of a Statute made in the 11 *Hen.* 7. in what they did of this kind, yet that Act was not only repealed in the 1 *Hen.* 8. for being contrary to the juſt Rights of the Subject, and the Common Law of *England*; but they who ventured to act upon it to the oppreſſion of the people, were Condemned and Hanged for ſo doing. And as the counſel and advice for the execution of the Penal Laws upon Diſſenters, at a ſeaſon when both our Lives and Religion are in eminent danger and hazard by reaſon of the Plots and Conſpiracies of the *Papiſts*, can proceed from no other perſons but ſuch as favour *Popery*, and would promote the bloody Deſigns of the Church of *Rome*; ſo who knows but that the *Phanaticks* being a ſurly people, may by way of repriſal Indict many of his Majeſties Conformable Subjects upon other Penal Statutes, to which either upon one ſcore or another, moſt of them will be found liable. And as it would ſavour of too great Partiality in the Government to grant a *Noli proſequi* for the Relief and Protection of ſuch, ſhould they come to be proſecuted, when at the ſame time it is found countenancing and encouraging the proſecution of Diſſenters, upon Laws which are not in themſelves better, more juſt or uſefuller to the preſervation of the publick Peace, and the maintenance of good Manners; ſo it would be little for the reputation and credit of ſuch as ſuperintend and guide affairs, to ſee the whole Kingdom turned into a Cock-pit, and one Subject ſcratch, pluck and haraſs another. Nay, were the *Phanaticks* inclined to retaliate upon others, what is daily meaſured out unto themſelves, they want not conſiderable advantages from Statutes, of leſſening, if not wholly deſtroying, ſome conſiderable

branches of His Majesties Revenue. For besides the damage and prejudice it would give the King in the matter of the *Excise*, should Alehouse keepers be Indicted upon the *Statute* of the 21 of *James*, *cap.* 7. where it is Ordained, *That whosoever sells a Pot or Quart of Ale for above a Penny, shall for every such offence forfeit twenty Shillings*, and which the *Act of the* 22 *and* 23 of this King can no ways relieve them from, seing the Clause by which they were indempnified from that Penalty is wholly expired: I say, besides this, the *Act* concerning the Excise is not so discretely and carefully penned, but that occasion may be taken by a discontented people, to dispute and debate the validity of it in some particulars, which if carried, would altogether overthrow it. Nor is it improbable, but that the Severity which the Dissenters suffer and undergo upon the Statutes against *Conventicles*, may so awaken and provoke them to enquire into the Nature, Form and Quality of those Laws, that upon a Legal and fair hearing they may be found to have no concernment in them, or the Penalties of them. For as they seem not to come within the reason of those *Acts*, because they were made, as the Title and Preface to them do declare, only to *prevent and suppress Seditious Conventicles*, which the Dissenters by assembling for the Worship of God, according to the revelation of his Word, are no ways chargeable withal; so it doth not plainly appear, that the body of these Acts which subject those only to Penalties, *Who worship God in other manner, than according to the Liturgy and Practice of the Church of* England, doth any ways extend unto them. The Disciples of Christ and all Christians may be as truly and rationally accused of disobedience to their Teacher and Saviour, whensoever they are found praying in any other words than those contained in the Lord's Prayer, seing Jesus Christ

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hath bid us *Pray after that manner*; as the Diſſenters can be juſtly Informed againſt or Indicted, *For worſhipping God in other manner than according to the Liturgy*, merely becauſe they read not the Prayers of the Church. And to all that hath been ſaid, I hope this may be modeſtly added, That ſhould the Phanaticks by the execution of the Penal Laws be driven to extremities, and left deſtitute of all other means of relieving themſelves, they may poſſibly become ſo far exaſperated and incenſed, as to queſtion and bring into debate the validity of the principal Laws upon which they ſuffer. For tho' I do not take upon me, nor preſume to ſay any thing againſt the Force and Legality of them; yet no man can undertake what a rich and courageous people may do, that is hamper'd by and inſeſted upon them. And ſhould the Parliament that met the 8th of *May*, in the 13th of this King, be found to have exceeded the time which the the Act of the Sixteenth; *Car.* cap. 1. *For preventing of Inconveniences happening by the long Intermiſſion of Parliaments*, had appointed and limited for their continuing to ſit, before they once thought of Abrogating and Repealing that Statute, which they did not till the *Seſſion* that begun the 16th of *March* in the 16th of *Car.* 2. then the Laws by which the Phanaticks are Diſturbed, Fined and Impriſoned, will not be found to have the Legality, Force and Power that ſome men do imagine. But the *Papiſts*, who at the bottom are the promoters of the preſent Severities againſt Diſſenters, are no ways ſolicitous concerning the Inconveniences which may enſue; all they aim at is to alienate the hearts of the People from the Government, inflame Differences and Animoſities among *Proteſtants*, foſter Jealouſies in the King of the Loyalty of his Subjects, and by all this to render us the eaſier a prey unto themſelves.

And ſince the *Romiſh* Conſpirators were prevented in the execution of the Deſign which they had ſo carefully laid, and carried on with ſo much Induſtry, Confederation and Expence at home; and which had it ſucceeded, they apprehended themſelves ſecure of a Foreign Succour, as well as a Prince of their own Religion to ſupport and juſtifie; as they thereupon found themſelves rendred both obnoxious to the Juſtice of Parliaments, and the angry Reſentments of the Nation; ſo they have been making it their chief buſineſs, either to get their own Plot wholly disbelieved, or to forge and ſham one upon *Proteſtants.* Accordingly when they could neither corrupt the Witneſſes, who had made the Diſcovery of their Villanies, to retract their Teſtimony and renounce their Evidence, nor were able either by the perſons whom they had ſuborned here, or thoſe whom they had brought from beyond Sea, to weaken and defame their Credit; they do at laſt entirely betake themſelves to the framing a Plot, wherein they would have it believed the *Proteſtants* are involved and engaged for the ſubverting of the Monarchy, and altering the Government. And as the endeavouring to impoſe the belief of ſuch a fooliſh and obvious Forgery upon the Government and the Nation, is a clear demonſtration of the Truth of their own Conſpiracy, and the deſperate ſhifts which their Guilt and Fear have driven them unto; ſo the entertainment which ſome have given to ſo dull as well as *Romantick* a Fable, is both an undeniable Evidence, that there were more acceſſory to the firſt Popiſh Plot, than yet are publickly accuſed, and that there are a ſort of people in the Kingdom, who are only ſorry for the miſcarriage of it. We might very reaſonably have thought, that upon the detection of the *Meal-Tub Sham*, in the year 1679. the Papiſts would either have been diſcouraged to forge another

another perfectly of the ſame Figure and *Make*, in the year 1681. or that the Government would have received the tidings of it with neglect and indignation. For as it is the ſame Deſign whereof we are now accuſed, that we were to have been charged with then; ſo theſe very perſons whom they have procured Witneſſes to ſwear Guilty of a Deſign to ſeize the King at *Oxford*, were the firſt in the Liſt of Nobles and Gentlemen, whom they were then to have Sworn againſt, That they reſolved to raiſe a Rebellion againſt His Majeſty, and muſtered Forces to that purpoſe. How ſtrangely are we abandoned to the malice and will of our Enemies, that the Papiſts having miſt the deſtroying us by a Maſſacre, they ſhould be permitted by Perjuries and Subornations to purſue our ruine in *forms* of Legal Trial. And as the countenance which the vileſt Miſcreants have met withal, who tho apparently ſuborned and hired, have come forth to teſtifie a Proteſtant Plot, is an unanſwerable Argument under whoſe conduct and influence ſome of our Miniſters are; ſo the baffles which the Authors and Managers of this Intrigue have received upon the Three late Adventures and Eſſays which they made towards the proof of a Proteſtant Conſpiracy, do proclaim aloud what opinion all wiſe and good men have both of them and this whole Affair. Now tho the judgment of ſo many Juries upon a full hearing of what our Accuſers had to charge us with, be a ſufficient vindication of the innocency of all the Proteſtants of *England* in this matter, as well as of thoſe perſons againſt whom the ſeveral Preſentments were brought; yet we bear that reſpect to the Honour of our Religion, the Reputation and Integrity of the laſt Parliament, as well as the Credit of our own Names, that we cannot believe we have diſcharged our duty as we ought towards the World, till we have both triumphed over the folly, and expoſed the malice of our ene-

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mies to that degree, as to render them the objects of the ſcorn and hatred of all Mankind. And as we ſuppoſe our ſelves in this Undertaking ſecure of the Approbation of His Majeſty, it being in favour of that Religion which He not only profeſſeth, but whereof He is the Defender, and in behalf of as Worthy and Loyal perſons as any in his Dominions; ſo in performing this moſt neceſſary duty, we fear not the anger of Miniſters, much leſs the barkings of little people, being ſtedfaſtly reſolv'd not to ſay any thing but what we can approve our ſelves before God and man for the truth of. Nor can any without an open eſpouſing the Deſigns of the Papiſts, be offended that we ſhould vindicate the Loyalty, and Juſtifie the Innocency of Proteſtants, which have been ſo impudently and maliciouſly aſperſed. Yea, it would be a tranſgreſſion againſt all the Rules of Juſtice and Equity, to allow or connive at the branding and arraigning us in daily Pamphlets, if they ſhould not permit us the liberty to detect the Forgeries and Criminations by which our Honour and Lives are invaded and brought into queſtion. And while the *Compendium*, the *Jeſuits Plea*, *Staffords Memoirs*, and *the Vindication of the Engliſh Catholicks from the pretended Conſpiracy againſt the Life and Government of His Sacred Majeſty*, eſcape the Cenſure and Animadverſion of our Adminiſtrators of Juſtice, it would imply an entertainment of undue thoughts concerning the Juſtice of the Government, ſhould we not inſtead of a *Reprimand*, expect their Approbation. Nor will we believe that it was either by the Authority of His Majeſty, or the Honourable *Privy Council*, that a *Meſſenger* and the *Wardens* of the Company of *Stationers*, went to the ſeveral *Printing-houſes*, requiring them to publiſh nothing in favour of the Innocency of the Earl of *Shaftsbury*, or in juſtification of the *Ignoramus* which was brought in by the Jury upon the *Bill* that

was preferred againſt him: but we rather aſcribe the Order for ſo unpreſidented and illegal an action, to ſome officious Agent for the Papiſts, or to ſome little Miniſters, who were apprehenſive of ſeeing themſelves laid open and detected, being conſcious of their own guilt in the countenance and encouragement they had given to this Forged Proteſtant Plot, for which many Noblemen aud Gentlemen were deſigned to have been deſtroyed. For as there is no Law whereby the coming into mens Houſes, the making a ſearch after Books or Papers which may be in the Preſs, or the laying an Inhibition upon them of printing whatſoever they judg ſafe or convenient, is or can be warranted; ſo it ſeems no ways equal and fair, to reſtrain any man from doing himſelf right, when he hath been publickly as well as eminently injured. And truly it looks like an impoſing that upon the implicite Faith of the World, which they know themſelves unable to prove; or it argues a diſtruſt either of the goodneſs of their Cauſe, or that it hath not been managed with integrity and candor, when they are unwilling to admit both ſides the priviledg of being openly heard. For tho it may become the Wiſdom of men in Power and Government, to preſerve the Juſtice of Courts, and Reputation of Juries, from being openly arraigned, when an Indictment after a full Enquiry hath been approved and allow'd by ſuch as are the proper and only judges of it; yet ſuch a procedure as the reſtraining men from defending their own Innocency, and vindicating the impartiality of thoſe who acquitted them after a full and Legal hearing, can never adjuſt it ſelf to the ſenſe or reaſon of mankind. Nor doth ſuch a courſe and method import any thing leſs, than that for having miſs'd the ſatiating their Malice in the Blood of one or two whom they mortally hated, they will purſue their Revenge in endeavours

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to blaſt the Credit, and diminiſh the value and eſteem of all that have been inſtrumental in preventing and defeating their Intendment.

NOW this Plot for Depoſing the King, and altering the Government, whereof *Proteſtants* were to be Accuſed and Impeached, was not only ſo contrived as that it might reach moſt *Engliſh* Peers and Gentlemen, who ſtood in the way of Popery and Arbitrarineſs; but the Proteſtants in *Ireland* were to be brought under the charge and accuſation of it. For the Popiſh Conſpiracy having been carried on with the ſame vigour againſt the Lives of Proteſtants and the eſtabliſhed Religion in that Kingdom, as it was in this; and the Parliament here being ſo far ſatisfied and convinced of the reality of it there, as well as in *England*, as to declare and teſtifie the belief of it by the unanimous Votes of both Houſes; accordingly the Papiſts in both Kingdoms were equally and by the ſame Artifices to be relieved from the imputation which lay upon them, and to be reſcued from the puniſhments which the Laws Adjudged and Condemned them unto. Therefore the Proteſtants in both Nations were to be accuſed of having forged the *Popiſh* Plot, and that having thereby amuſed His Majeſty and the people, they have in the mean time been fomenting and promoting a real one of their own. This was that which *St. Laurence* the Prieſt would have Hired and Suborned Mr. *William Smith* to Swear and Depoſe, and whereof the Evidence was ſo ſtrong againſt *St. Laurence* at his Trial, that tho' he was acquitted, yet he is ſtill believed by all impartial men that

See No Proteſtant Plot, Firſt part, P. 33, 34, 35.

that heard it, to have been really guilty. For it is not only reported from thence by persons who deserve to be credited, that such especially were returned upon the Jury, who were known before-hand to have reflected upon Mr. *Smith*; but it is most certain, that whereas the Prisoner was allowed *five* Councel to plead for him, there was none of the King's Councel, nor any one man of the Gown besides, that appeared in behalf of the Evidence. Whether they forbore, from an opinion that the Evidence was so plain, that it required no Plea to enforce or apply it; or whether they did it out of deference to some great men, whom they would not offend, by being concerned in any thing that may prejudice the honour and integrity of the *Papists*; or whether it was in obedience to the commands of such, who would not have an Intrigue detected, upon the discovery whereof the *Protestants* may come to be thought peaceable and loyal again, as I cannot certainly tell, so I shall not take upon me to conjecture and divine. But besides that which was sworn against *St. Laurence* by Mr. *Smith*, which to any who read it, will appear either the copy, transcript, or counterpart of what they have been doing here, we have other evidence of the *Papists* labouring in *Ireland* to sham off their own Plot, by representing it as a Forgery falsely laid upon them by the *Protestants*; and their endeavouring to possess the Government with a belief, that during the noise and buz which the *Protestants* had raised concerning a *Popish* Plot, they were themselves embarkt in a Conspiracy against the King and the Monarchy. Thus whereas one Captain *Morley* had appeared before the Committees of Lords and Commons here, and swore two Consults which the *Papists* had in *Ireland*, in reference to the extirpating the *Protestant* Religion in that Kingdom; they have procured no fewer than six or seven *Irish* Wit-

neſſes, not only to Depoſe againſt the ſaid *Morley*, *That he was Suborned by the Earl of* Eſſex, *the Earl of* Shaftſbury, *Sir* Robert Cleyton *and others, to Swear Treaſon againſt the Duke of* Ormond, *the Lord Chancellor* Boyle, *and Sir* John Davies; *but that he himſelf had ſaid, the King was an enemy to all Proteſtants, and deſerved to have his Head cut off, as his Father had.* Here we have an *Epitome* and Abridgment of what the whole *Popiſh* Party is laying out their Money, improving their Wit, and employing the Power and Intereſt of their Friends for and about. But why the *Papiſts* ſhould in all their Depoſitions introduce the *Proteſtants* affirming the King to be a Papiſt, and an enemy to thoſe of the ſame Religion which he not only profeſſeth, but which he hath ſacredly and ſolemnly Vow'd for ever to protect and defend, I think no wiſe man is able to tell; unleſs it be that they have a mind to recriminate upon us, what they have been proved guilty of themſelves. It is not yet ſeaſonable to declare by whoſe means and by what Arts the foreſaid Depoſition was obtained, nor how *Handland* and *Murphey*, two fellows that came over hither to Swear the Popiſh Plot, were ſince their return transformed into Witneſſes to prove a Proteſtant Conſpiracy; but all theſe things muſt be foreborn till his Majeſty in his Princely Wiſdom, and from that Juſtice which he hath hitherto governed his people by, and in the diſcharge of his promiſe which his Loyal addreſſing Subjects, as well as others, do rely upon, be pleaſed to call a Parliament, and then both all theſe and many other things will be more fully diſcloſed and ſet in a brighter light. In the mean time this muſt be acknowledged to the Honour of His Majeſty, and the Juſtice of the Council-Board, that tho the foreſaid Depoſition was received by ſome in *Ireland* with great fondneſs, and tranſmitted hither not only with all expedition

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and ſpeed, but accompanied with an earneſt deſire, that the Gentleman might be ſent thither; yet the King and Council would neither do ſo illegal and arbitrary a thing, as to ſend a perſon from hence to *Ireland* without his own conſent, both born and bred here, and who actually poſſeſſeth an eſtate in *England*. Nor could it be done without great Injuſtice, ſeeing the words wherein alone the Treaſon muſt lye, were owned to have been ſpoken above two year ago. And for his being ſuborned by the Earl of *Eſſex*, and the Earl of *Shaftsbury*, to Swear Treaſon againſt the Duke of *Ormond*, my Lord Chancellor of *Ireland*, and Sir *John Davies*, it is remarkable, that he never teſtified any thing of that nature againſt them; and what he did declare in relation to them or any others, he referred himſelf for the truth of it to the Council-Books of that Kingdom, or to ſuch Depoſitions which had been either taken by the Council there, or had been tranſmitted to them by others. And as no man that is Maſter of ſenſe, and hath any knowledg of thoſe two Honourable Perſons, will ever ſubmit his Faith to receive ſo incredible a thing, as that they ſhould Suborn any man to ſwear falſly; ſo Mr. *Morley*, whoſe credit infinitely ſurpaſſeth that of the Witneſſes who ſwore againſt him, abſolutely denies that they ever did, or that he ever ſpake any ſuch thing concerning them. But they that can firſt invent, and then get ſo abſurd and impoſſible a thing as *Tranſubſtantiation* received and believed, may be pardoned both in forging and in hoping to vvin credit to things ridiculouſly fooliſh, as well as abominably falſe. Nor could ſo dull a Fable proceed from any but people of an *Iriſh* underſtanding; neither vvill it obtain with any men, but ſuch as have renounced Reaſon as vvell as Honeſty. But there is yet a third, and that a more ſignal Inſtance of the Papiſts endeavouring to involve the Proteſtants in

Ireland under the guilt of a Plot againſt his Majeſty, and this diſplays and unfolds it ſelf in the Accuſation ſworn againſt Mr. *Hawkins*. The perſon charged is known to be an ingenious Gentleman, and one vvho hath always acquitted himſelf as became Honour, Diſcretion and Loyalty; only it is his fortune to be a Proteſtant, and was his unhappineſs to be made acquainted vvith ſome of the Popiſh Deſigns againſt the Government, which inſtead of furthering or concealing, he communicated to My *Lord Lieutenant*. That vvherewith he was charged, doth in all things ſo quadrate with vvhat we have heard Svvorn againſt Proteſtants in *England*, that we may boldly ſay, they vvere all coined in the ſame Mint. For one *Mac-Gennis* ſvvears, *That Mr.* Havvkins *told him, he went for* England *to eſtabliſh a Correſpondency with my Lord of* Shaftſbury, *and that he received a Commiſſion from the ſaid Earl for a Troop of Horſe*; and one *Mackoghlin* depoſeth, *That he was to be a Trooper under Mr.* Hawkins, *and that he had three pounds from him towards the buying a Horſe.* The very counterpart and direct parallel of what *Booth* informed againſt Capt. *Wilkinſon*, and vvhich he and *Bains* would have ſuborned the Captain to ſwear againſt the Earl of *Shaftsbury*, and were both hammered in the ſame Forge. But as the Devil and the Prieſts inſpire the Papiſts with falſhood and malice, ſo God to over-rule and defeat their Rage and Treachery, deprives them of common Wit and Underſtanding, and gives them up to all prodigious folly and madneſs. For as *Mackoghlin* never ſpake with Mr. *Hawkins* but once, and that in the preſence of another perſon, and then he only endeavoured to have inſinuated himſelf into his Acquaintance, which Mr. *Hawkins* refuſed to admit him into; ſo it is moſt certain that Mr. *Hawkins* never converſed with the Earl of *Shaftsbury*, nor

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ſo much as at any time ſaw him. And whereas it was ſworn by *Mackgennis*, That he ſhould ſay *he came to London to eſtabliſh a correſpondence with that Noble Peer; and that he received a Commiſſion from him for a Troop of Horſe*; The whole matter depoſed is not only falſe; but the condition which my Lord was at that time in, being a Priſoner in the Tower, ſhows the impoſſibility that ſuch an Affair ſhould be tranſacted between them at that ſeaſon. Neverthelſs, that Ingenious and Loyal Gentleman was committed to the Caſtle of *Dublin* upon that Forged and Ridiculous Information; and had not the *Proteſtant Plot* been ſo far detected, as to be hiſſed off the ſtage by ſeveral Juries, it might not only have coſt Mr. *Hawkins* his Life, but laid a foundation for ſuperinſtructing a Conſpiracy upon, wherein moſt Proteſtants of quality and zeal in that Kingdom would have been included, and firſt or laſt charged with the guilt of it. For there were no fewer than between *Twenty* or *Thirty* muſtered up of a ſudden to teſtifie a *Proteſtant Plot*; perſons, who as they believe implicitely in matters of Religion, they would likewiſe ſwear ſo for the Intereſt and Advantage of St. *Patrick*, and the Holy Church. And beſides what they may reaſonably be ſuppoſed to receive out of the Catholick Treaſury for ſo ſeaſonable and uſeful a Service as the Swearing innocent Proteſtants out of their Lives and Eſtates, they had lately the confidence to petition the *Council* in *Ireland* that a maintenance might be allowed them from the State. And it ſeems but juſt and equal, that they ſhould be afforded the ſame encouragement, which thoſe liſted and employed upon the like Service in *England* have; and that they ſhould have ſome conſideration for the ſale of their Souls, tho they will be ſo reaſonable as not to keep up that Commodity to the price which it goes at and is valued here. And where-

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as fellows not only of a meer *Iriſh* underſtanding and breed, but ſuch as had converſed all their days in Bogs, and whoſe moſt refined and improved knowledg is how with handſomeneſs to ſteal Horſes and Cows, might be found deficient in art and cunning to manage this Meritorious work of Swearing with ſome conſiſtency to themſelves and one another; there are ſome lately arrived there from hence, who having been trained and inſtructed here by the grand Maſters of the Forgery and *Affidavit*-School, may be able to edifie and diſcipline thoſe raw blades in the neceſſary Virtues of Perjury and Impudence, and acquaint them with the laudable method of rehearſing the Depoſitions which had been given them to *con*, without adminiſtring any *ſymptoms* of their ſpeaking by *rote*. But their underſtandings not being ſo docile and flexible as their Conſciences, they make daily ſome unfortunate and fatal miſadventure. And their having publickly accoſted the greateſt perſons with rude and inſolent *Menaces*, and their having threatned to accuſe every one whom according to their knowledg of the meaſures of the World, they do but apprehend to have offended them, they have already ſo enfeebled their Credit with all ſorts of men, that they are altogether become uſeleſs and unſerviceable. It is far from my intention to bring all the natural *Iriſh* under this Character; for tho moſt of them who continue Papiſts, would eſteem it not only venial, but meritorious to cut a Proteſtants throat; yet there are thouſands of them who from ſome principles of Mankind and Bravery, do deteſt the deſtroying Proteſtants in the baſe and creeping ways of Subornation and Perjury. And we deſire to be pardoned for this ſevere Cenſure which we have faſtned upon the Raſcality of the *Iriſh* Nation, ſeeing beſides the impreſſions we retain of them by the remembrance of the *Iriſh* Maſſacre, and the freſher intelli-

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gence we have received of their regardleſneſs of Truth and Juſtice, from the manage of themſelves before the Court of *Claims*, we have been lately enabled to form an opinion of the *Herd* and *Hive* of that people, by the obſervations we have made of thoſe few that have flown over hither, and eſpecially by the little *Colony* which Juſtice *Warcup* is Governour and Overſeer of. However as I rejoyce at the preſent ſtemming that Deluge of Sin and Miſery which was there ſo nearly threatning innocent and loyal Proteſtants, had not ſome baffle befallen thoſe ſuborned *Affidavit* folk, and did not a notorious infamy attend their teſtimony; ſo I beſeech Almighty God to prevent the conſequences and effects which the countenancing ſuch a courſe, ſhould it again revive and proſper, would in all probability be followed and attended with. For as the *Engliſh* Proteſtants in that Kingdom do throughly know the humour, principles and inclinations of the Popiſh *Iriſh*, and how abſolutely they are under the conduct, and at the diſpoſal of their Prieſts; ſo by being leſs numerous than the Papiſts, they are both more apprehenſive of, and watchful againſt ruine and danger, and cannot but conſtrue this method of deſtroying them, as much more pernicious than a new War or Rebellion in that Barbarous and Bloody people would be.

But tho the late Sham pretended Proteſtant Plot was ſo laid and contrived by the Papiſts, as to comprehend under the infamy and guilt of it, the chiefeſt perſons in *Ireland* who profeſs the Proteſtant Religion, or have any regard for the Liberties and Rights of Mankind; yet the primary and main end of this horrid Papal deſign, was to ruin and deſtroy the Principal Patriots of the Reformation, and civil Liberties in *England*. For upon the Fate of the Proteſtants here, depends the ſafety or extirpation of all in

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theſe Kingdoms, who profeſs ſeparation from the Communion of the Church of *Rome*. For the Proteſtants are not only moſt numerous here, and beſt able to defend themſelves, in caſe a *Maſſacre* ſhould be attempted upon them by the Papiſts, but it was a Parliament in *England* that Voted and Publiſhed the reality of a preſent Popiſh Conſpiracy, that did proclaim to all the world the dangers which his Majeſty and Loyal Subjects are in, from men of Papal Principles, that cauſed ſome of the principal Conſpirators to be arraigned and condemned, and which hath been endeavouring to hinder a Popiſh Succeſſor from coming hereafter to aſcend the Throne. And therefore, tho' few elſewhere, that are either of any note for zeal to their Religion, or worth ſaving for their ardour and courage for civil Right, were to eſcape being entangled in the dangers, and loaded with the reproach which they hop'd to bring upon all the Proteſtants of theſe Dominions, by a forged pretence and charge of our being embark'd in a Conſpiracy to depoſe the King, and alter the Government; yet it was mainly the Peers, Gentlemen, and others in *England*, who are reſolved, not only to live and die in the Proteſtant Faith themſelves, but to do all they can to tranſmit it as an inheritance to their poſterity, that this *Sham* was calculated to retch and overthrow. And albeit there have been but few hitherto named and accuſed, yet could the Witneſſes have been but once believed, they would have ſoon ſworn all into the ſame guilt, whom either out of malice, or for the facilitating the Introduction of Popery, and arbitrary power, they had a mind to get deſtroyed. For whatſoever hath been either publiſhed in allowed Writings, or affirmed in Courts of Judicature, concerning the narrowneſs of this pretended Conſpiracy, and that they know of no Proteſtant Plot, but

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that only a few diſcontented, or deſperate perſons, had been deſigning Treaſon againſt His Majeſty; yet the matter is in reality quite otherwiſe; and this is only alledged to leſſen the horror of people at firſt, and to prevent the effects of their indignation, ſhould they underſtand the unlimitedneſs of Papal Rage. Nor have the Contrivers and Managers of this *Sham*, been Maſters of ſo much Wit, as to conceal the boundleſneſs of their Wrath, and how extenſive they purpoſed to render this *Proteſtant Plot*. For by making *Oxford* the Scene where the King was to be apprehended, and that at a time when he was ſurrounded with all his Guards, they do plainly tell all the world, that had they obtained the Evidence to be credited and allowed in relation to any one perſon of quality, they would have ſoon brought the Lives and Fortunes of thouſands to lye at their diſcretion and mercy. Admit but once that His Majeſty was to be ſeiſed, when encompaſſed with ſo great and well diſciplined a force, and it will neceſſarily follow, that there muſt have been a very great number of Proteſtants engaged for the accompliſhing of it. Nay, the very Depoſitions of the Witneſſes themſelves, as they are communicated to the world in Print, in the *Tryal of Mr, Stephen Colledg*, and in the *Proceedings upon the Bill againſt the Earl of Shaftsbury*, do ſufficiently proclaim, that there were not only many Proteſtants of an inferior Rank, but many of the principal Peers and Gentlemen in *England*, that were deſigned to be brought within the circle and compaſs of this Proteſtant Plot. Nor is it likely, that having deſigned to bring ſo many under the guilt of the *Sham Meal-Tub* Conſpiracy, they would now abate in the number which they purpoſed to deſtroy. For beſides the advantages which they enjoy, through having Counſellers more to their *guſt*, they have either wheedl'd or brib'd ma-

ny of our high-flown Church-men, if not with a ſatisfaction to glory, yet with an abject ſilence to connive at our ruin. But the bounds which the Papiſts intended to ſet to their own malice, in forging & *ſhamming* upon the world, that the Proteſtants had combined to depoſe the King, may be beſt and moſt eaſily collected from the Teſtimonies of the Witneſſes in the fore-mentioned Treatiſes. Accordingly we are told by *Dugdale*, *That* Colledg *not only adviſed him to go with Horſe and Arms to* Oxford, *becauſe he expected there would be ſomething done there*; but he further ſays, *That he heard ſeveral Parliament-men talking before that Seſſion, of a diſturbance that was likely to happen at* Oxford, *and that it would be therefore beſt to leave ſome Parliament-men at home in every County, who might manage the people.* And *Smith* not only *affirms*, that *Colledg* told him, *how the Parliament was agreed to ſeize the King*; *and that in order thereunto, all the Parliament-men were to come to* Oxford *well armed, and accompanied with Arms and Men*; *but that the Earl of* Shaftsbury *ſhould declare unto him, how the Parliament-men, who came out of the Country, were well provided with Horſe, Arms and Men*; *and that if the King offered any violence to them, they might oppoſe him*; *for the like had been done in former times.* And *Haynes* depoſeth, That *Colledg ſhould tell him, Unleſs the King ſhould ſuffer the Parliament to continue to ſit at* Oxford, *they would ſeize him, and bring him to the Block, as they did the Logger-head his Father*; *yea, that my Lord* Shaftsbury

See the Tryal of *Stephen Colledg*, p. 19.

Ibid. p. 28.

See the Proceedings upon the Bill againſt the Earl of *Shaftsbury*, p. 19.

Colledg's Tryal, p. 30.

ry *should declare*, *Unless the King granted the Pardon which was demanded for the said* Haynes, *they would raise the whole Kingdom against him* *Booth* likewise swears, *how my Lord* Shaftsbury *told him, That he and others had considered with themselves, that it was fit for them to have Guards at* Oxford; *and that to this purpose he had establisht a matter of* Fifty *men, persons of quality, and that he had entrusted Capt.* Wilkinson *with the Command of them; and in case any violence should be offered by the King, they would repel Force with greater Force.* Now tho' all this be nothing but a bundle of forged lies; yet it plainly declares, that no fewer than all the men of quality in *England*, who are zealous for the Reformed Religion and Civil Rights; yea, the whole Body of sincere Protestants were to be drawn and hook't within the *verge* of this Plot, and all their Lives and Fortunes brought to lye at the favour of the Government upon the pretended guilt of it. For no man can think, that the blood of the Earl of *Shaftsbury* and my Lord *Howard*, would have attoned for so general and universal a Conspiracy, could they but once have enjoyed the good fortune to have had credit given to these fellows Testimonies. The designs which the Papists proposed unto themselves, in their forging of this Conspiracy, were greater than to be compassed and accomplished by the murder of Three or Four men in the way of legal proofs. For as nothing less was aim'd at by means of this *Sham* Plot, than the destroying all who withstand the Introduction of Popery, and the establishment of a Popish Successor; so, many hundreds were to be taken out of the way, besides those apprehended and accused, ere ever the people of this Kingdom

Proceedings upon the Bill against the Earl of *Shaftsbury*, p. 37.

Ibid. p. 21.

could be expected quietly to submit to be Papists & slaves. But because the foregoing Depositions do only speak in general of a Conspiracy wherein the Parliament and Nobles were engaged, in conjunction with my Lord *Shaftsbury*, to apprehend and cut off the King, we shall therefore give an account, from the Attestations of others, of some few more, who besides those publickly named, were to have been charged with, and perished under the pretended guilt of this forged Plot. And as we are assured from the mouth of a Gentleman of great Reputation and good Quality, that *John Smith* said to him, he could *swear Treason against a hundred Protestants*; so *Thomas Samson* hath deposed upon Oath, That *John Macknamarra told him, that Edward Ivie, Bryan Haynes, John Smith, and Edward Turbervile, did intend to swear Treason against Sir* Patience Ward, *Sir* Robert Clayton, *Sir* Thomas Player, *Mr.* Bethel, *who was then Sheriff (of* London), *Coll.* Mildmay, *& others.* Yea, to that confidence were the mercinary perjured Rogues arrived of their being able to destroy men upon the suborn'd Testimonies that had been dictated unto them, that one Mr. *Shewin* informs upon Oath, *his having heard* John Macknamarra *and* Edward Turbervil, *offer on the* 11*th of* August *last, to lay a wager, That Mr. Sheriff* Bethel, *Mr.* Best, *and divers of the* London *Jury, which had brought in an* Ignoramus *upon the Bill against* Stephen Colledg, *would be hang'd before* Christmas *last.* And that the world may be fully convinced, how the *Papists*, and the Tools of one quality and another, which they work by, designed to extend the guilt of this pretended Protestant Plot, we shall subjoyn the Deposition of one *Ashlock*, who said, That *Edward Ivie immediately after* Colledg's *Tryal told him, That as they had gotten the said* Colledg *to be cast and condemned, so they were resolved to have the Duke of* Monmouth, *and other Lords, to drink*

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of the ſame cup, and to taſte Colledg's *fate.* So that no man who is a *Proteſtant* ought after the knowledg of this, to believe himſelf ſafe, or that he is exempted out of the number of thoſe upon whom the *Papiſts* under the pretence of a *Proteſtant* Plot, hoped to have wreck'd their Malice and Rage. For they that dare entertain thoughts of deſtroying a Prince, whom his greateſt Enemies can charge with no fault, ſave that he is a *Proteſtant*, and zealous for the King's preſervation and glory, are not to be ſuppoſed to harbour any thoughts of Compaſſion and Mercy towards Proteſtants of an inferior rank. Shall neither the Honour which the D. of *M.* hath brought to His Majeſty and the Nation by his foreign Atchievements, nor the peace and eſtabliſhment which he reſtored to the King and Throne by his prudent and valorous ſubduing Inſurrections at home, be ſufficient to protect him from the danger and infamy of a Scaffold, no more than they were able to ſecure him from being excluded his Father and Prince's preſence, and deprived of thoſe Offices which his Merit rendered him worthy of, had he not any nearneſs by Nature and blood to His Majeſty to plead for him? Will nothing ſatisfie the *Romiſh* Crew, unleſs they can bring the King to forget the Affections of Father, as well as the Juſtice of a Monarch, and make him abandon a perſon to their treachery and implacable wrath, whom he is obliged by the Laws of nature to protect as his ſon, & whom he is bound by the Laws of *England* to defend him as his Subject? And as all men diſcern, whoſe Intereſt hath been ſerved, and whoſe revenge gratified in all the mortifications of this Loyal and Innocent Duke; ſo we can eaſily gueſs, in whoſe behalf, and for the promoting of whoſe concernments this whole Proteſtant Conſpiracy was invented and forged. And having ſucceeded ſo well already, as by their meer importu-

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nities to alienate his Majeſty from a perſon whom he once ſeemed to value and love, they are encouraged to hope the King will be prevailed with, by ſuggeſtions of Treaſonable Crimes, to ſacrifice him to their indignation and ire.

Having now traced and purſued this forged Plot ſo far, as to ſee that it was calculated for no leſs than the whole Meridian of *Great Brittain*, and that all the Patriots of Religion and Laws in both Nations were to be deſtroyed under a pretence of being combin'd in it; we are in the next place to view it in the complexion and figure wherein it opened and unfolded it ſelf againſt the Right Honorable the Earl of *Shaftsbury*, and thoſe other perſons who have been either Indicted, or only Committed for an alledged acceſſion to it. And as the Papiſts very well know, that none had more oppoſed and diſappointed them in all their Idolatrous and Arbitrary Deſigns, and conſequently deſerved more to feel the firſt and early effects of their wrath, than that wiſe and great Peer; ſo they prudently foreſaw, that ſhould they adjourn their Revenge againſt him, till they had made an experience of the credit of their Witneſſes upon ſome other conſiderable perſons, he would by his Abilities and Induſtry not only have eaſily detected and expoſed the whole Intrigue, but have broken the *Machine* by which they had projected both to overturn Religion and Property, and extirpate Proteſtants in theſe Nations. Accordingly they thought it their beſt courſe to aſſault him by way of ſurprize, and to hurry him to Priſon upon an Accuſation of a Conſpiracy, which people would be aſtoniſhed at the noiſe of, but had not enjoy'd time to inſpect and unravel. And we may rationally conceive the Papiſts believed, that the Convicting My Lord *Shaftsbury* upon a charge of Levying

vying War, and Conſpiring to ſeize the Perſon of the King, would be a kind of Moral Proof againſt every other perſon whom they ſhould think fit to have afterwards accuſed of the ſame Crime. For how eaſily would they have perſwaded the world, that a perſon of his great Sagacity and exact Conduct, would never embark in ſo vaſt an attempt, without a proportionate number of perſons engaged with him, who for their Power, Quality and Intereſt might be ſuppoſed capable to effect and carry it. And they would have pleaded, that ſuch whom his artificial Gloſſes and plauſible Reaſonings had not inveigled into Treaſon, the eſteem which he univerſally hath among all ſorts of men, that are not weary of their Religion and Liberties, had ſway'd and biaſſed them to an implicite concurrence in a Deſign, which they took not time to conſider, and had not Abilities to comprehend neither the dangers, nor conſequences and iſſue of. And how would every man have been expoſed and ridicul'd, that ſhould offer to bring the reputation of the Witneſſes into ſuſpicion, after they had been allowed for good and credible Evidence againſt a Peer of the Earl of *Shaftsbury*'s bulk and *figure*? Beſides, the Papiſts thought that the deſtroying this one Nobleman, would have either frighted others to a compliance with them in their Deſigns, or at leaſt diſcouraged them from offering to withſtand or control the Councels and Projections which they are upon of enſlaving theſe Nations, and extirpating our Religion. Theſe were the Motives and Inducements upon which they ſingled out this great perſon, to have him the firſt man of Quality that ſhould be Indicted of this pretended *Proteſtant* Conſpiracy. For having through the influence which they have over our Miniſters, and the power which ſome of that party have upon His Majeſty,

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proceeded ſo far as to prevail with the King to turn him out of his Councels, and from the adminiſtration of his Affairs, for no other reaſon that the world can take notice of, but becauſe he would not concur with them in their Deſigns againſt the Proteſtant Religion, and the Eſtabliſh'd Laws; they hop'd that by attacquing him at laſt upon an Accuſation of Treaſon, he might fall a Sacrifice to their Malice and Revenge. And as his loſs of the *Chancellorſhip*, with all the aſperſions and obloquy that for divers years fell upon him, are to be aſcribed to his Zeal and Activity in promoting the *Bill* for diſabling *Papiſts* from holding any Publick Employment, which paſt in the *Seſſion* of Parliament that begun *Feb.* 4. 1672. ſo all the Perſeutions he hath lain under of late, and all the dangers which his Life hath been expoſed unto, either by ſecret *Aſſaſſinations*, or *Legal* Forms, are to be entirely attributed to his inſpection into the *Popiſh* Plot, and the endeavours which he hath laid himſelf out in, for preventing the Subverſion of our Religon and Laws, and the ruin of theſe Nations by the *Romiſh* Conſpirators, and his ſtudying to defeat the hopes they have of compaſſing all at laſt by means of a *popiſh* Succeſſor. Nor can there be a more indubitable and convincing Argument, that this whole *Proteſtant* Plot under the pretended guilt whereof this incomparable perſon and great Peer was to have been deſtroyed, came out of a *Popiſh* Forge, and was formed and invented by the *Romiſh* Prieſts, than that thoſe of the Papal Religion abroad, and eſpecially the Eccleſiaſticks, had both the knowledg of it, and diſcourſed it to others, before the moſt inquiſitive Proteſtants in *England* could arrive at any intelligence concerning it. In confirmation of the truth whereof, and for the ampler ſatisfaction of all mankind, that the Papiſts were the Authors

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and Contrivers of this Conſpiracy, which they labour to *ſham* upon Proteſtants: I ſhall ſubjoin the two following Depoſitions, which were made upon Oath before a Magiſtrate of *London*.

Edward Dover *of* Stepney *in the County of* Middleſex, *Mariner, aged thirty years, or thereabouts, freely and upon his own motion maketh Oath, That he the ſaid Deponent being in the Port of* Bruges *in* Flanders *with his Ship, and in the managing of his buſineſs there, being in a publick houſe, on or about the eighteenth of* June *laſt New Stile, he met with one* James Morgan, *which ſaid* Morgan *is a reputed* Popiſh *Prieſt, And being his Countryman, and having had formerly knowledg one of another, they entred into the more free diſcourſe; and among other this Deponent asked the ſaid* Morgan, *What News from* England, *Is there an end of the* Popiſh Plot *yet? To which the ſaid* Morgan *anſwered, What* Plot? *There is no Plot but a* Presbyterian *Plot, and that now the Lord* Howard *one of the greateſt of them is clapt up for it; and by that time you get home,* Shaftsbury *will be alſo ſecured. And further the ſaid* Morgan *added, that he hop'd ere long to Preach in a publick Pulpit in* London, *or words to that effect.*

Jurat. *Aug.* 23. 1681.

John Coleuart *of the Pariſh of St.* Katherines, *in the County of* Middleſex, *Mariner, aged fifty years or thereabout, freely and of his own motion maketh Oath, that being in* Bruges *in* Flanders *with his Ship, in following his buſineſs there, was in a publick houſe on or about the eighteenth of* June *laſt, New Style, where he met amongſt others with a* Popiſh *Prieſt as he is reputed, called* James Morgan; *and diſcourſing with him of the ſeveral affairs of* England, *and*

of the Popiſh *Plot; he the ſaid Deponent heard the ſaid* Morgan *among other things ſay, it was nothing but a* Preſbyterian *Plot; and that the Lord* Howard *was already ſecured for it; and that it would not be long before the Earl of* Shaftsbury *would be alſo ſecured, or words to that effect.*

Jurat. *Aug.* 3. 1681.

And as the *Papiſts* were the Authors and Framers of this Sham Plot, ſo they have choſen Tools every way adapted for the worſt of Villanies, to manage and conduct it. For Juſtice *Warcup* the principal *Broker* for Witneſſes, and one of the chief Directors of this grand affair is known both at the Council *Board*, & in the High Court of *Chancery*, to be a falſe and infamous perſon. Nor is it to be wondered at, that he ſhould become ſubſervient in all baſe ways to the Malice and Indignation of men, upon the promiſe and hopes of a valuable Reward, who that he might obtain preferment to places of Truſt and Profit, is ſaid to have turn'd *Pander* to his own Daughter, and have expoſed her to mens Luſt. But it is long ſince this *Juſtice* was ambitious of being inſtrumental in the ruin of My Lord *Shaftſbury*, ſeing it was he that introduced *Marckiamont Needham* to the Earl of *Danby*, in order to aſſiſt in the great Deſigns which were then in agitation againſt this Lord's Honour and Life. And as *Needham* in purſuance of this malicious contrivance, wrote both the *Advices to the men of Shaftſbury*, wherein according to his wonted method of treating all he wrote againſt, he loads this Honourabe Perſon with all the Aſperſions his Wit, influenced by the Malice and Revenge of others, could invent and ſuggeſt; ſo I have ſeen the Inſtructions that were given about the Arraigning this Peer, upon pretence of his being Guilty of very Criminal matters. But as it is argued, that our Miniſters

niſters then were at a wonderful loſs for Men of Wit and Conduct to promote their Deſigns, while they had ſo many admirably qualified in the want of Honeſty, ſeing they were forced by Money and Flattery, as well as by Promiſes, which were never perform'd, to bribe over a fellow to defame this Noble Peer, who had not only always ſcribbled on the other ſide, but reviled the late King, his preſent Majeſty and Monarchical Government, with the like freedom and equal bitterneſs, And ſo ambitious was *Warcup* of being inſtrumental in the ruin of My Lord *Shaftsbury* at that time of day, that not being truſted nor employ'd in the Deſign, proportionably to his deſires and inclinations, he beſpake *Needham* in a Letter to him, which I have ſeen, to recommend him to the Earl of *Danby*, as a perſon that would be zealous in agitating and promoting what they were upon. And beſides the Evidence that hath been given elſewhere, of Juſtice *Warcup*'s ſuborning Witneſſes to Swear the forged Conſpiracy, whereof the Earl of *Shaftsbury* hath been lately accuſed, I ſhall here ſubjoin one further Inſtance of his Villanous carriage in this affair. For Mr. *Sampſon*, among many other things which he hath Depoſed upon Oath before a Magiſtrate in *London*, poſitively ſwears, *That Juſtice* Warcup *often ſolicited him with promiſes of Reward, to be a Witneſs againſt the Earl of* Shaftsbury *and others of the City.* There are alſo other two, whoſe Depoſitions I ſhall forbear at the preſent to reherſe, that directly teſtifie his endeavouring to have Suborn'd them upon the ſame Deſign. So deplorable is the caſe of innocent *Proteſtants*, that if perſons accuſed do conceal the Witneſſes who can diſcover the Accuſations againſt them, they abandon themſelves and

See No Proteſtant Plot. part I. *p.* 22, 23.

their own Innocency; and if they publiſh them, they do become thereby expoſed to the Rage of the common Enemy, and are brought into danger of being ſuborned againſt themſelves. And therefore the world ought to pardon us, if we reveal no more than what is neceſſary for the vindication of the Innocency of thoſe that have been accuſed, and the juſtification of the Integrity of the *Juries* that had the cognizance of the Bills which were preſented. The late Proceedings at the Court of the *Verge* againſt Mr. *Everard*, do declare in the face of all the world, what kind of entertainment they are to expect, who have refuſed to be Witneſſes againſt innocent men, or who have the courage to detect the ſubornations of ſuch as traffick and barter for Evidence againſt guiltleſs Proteſtants. But it is no ways ſtrange, that the *Juſtice* who can muſter a Troop of Mercinary Raſcals to perjure themſelves for the ſervice of the Papiſts, ſhould procure ſome of them to venture their Souls upon ſo neceſſary a duty, as the preſerving themſelves and him from the Gibbet, or at the leaſt, the Pillory. Yet even moſt of theſe, whom he then produced, are ſo publickly infamous, that their Teſtimony will never ſupport an Indictment againſt any man, before a good and impartial Jury; nor yet impeach the Credit of the perſon againſt whom they ſwear. I know when and where one of them wrote a Letter to the Juſtice, deſiring him to draw up what he pleaſed, aſſuring him, that upon eaſie conſiderations he would be ready to make Oath of it. Yet after all the pains he hath been at, to protect himſelf from the puniſhment of one Crime, by perpetrating another, he will not only find, that Mr. *Everard* is able to prove that whereof he hath accuſed him, by undeniable Circumſtances, but he will alſo find, there are ſeveral others, whoſe Reputation he can no ways detract

from,

from, that will be forth coming in due time and place, to lay open, and prove the Villany whereof he hath been guilty, in ſuborning Witneſſes againſt the Earl of *Shaftsbury*. However, it is no ways fair nor equal, that when Indictments could not be received, neither at the *Old Baily* nor *Hicks's-Hall*, againſt the *Juſtice* and his Complices, for conſpiring to take away the Lives of innocent perſons, yet a Bill can be immediately admitted in another Court, if the matter and deſign of it be to ſtifle the detection, or aſperſe the Diſcoverers of this Conſpiracy. Nor is *Warcup* the only perſon that hath been employ'd and intruſted in hiring and ſuborning Witneſſes to ſwear a Proteſtant Plot, but there are many others, and even ſome of the *Gown*, who to gratifie the Papiſts, and either to make way for their own preferment, in caſe of a Popiſh Succeſſor, or to teſtifie their gratitude to ſuch as recommended them to the Places which they do now poſſeſs, have ſhamefully, and to the diſhonour of their Profeſſion, co-operated with the *Juſtice* in the ſame villanous deſign. For beſides their ſecret correſpondence, and myſterious traffick with *Haynes* before his being apprehended, which alone is enough to demonſtrate their concernment in the whole forgery and intrigue of this Proteſtant Plot: There is a perſon, who will appear upon occaſion, that will teſtifie how much a certain Gentleman, retaining to the Law, did endeavour by flattery and promiſes, to obtain him to become a Witneſs againſt the Earl of *Shaftsbury*. It will not at length be found, to have been much to any mans Reputation, to have the gloſſing, managing, or ſetting of the Depoſitions which were brought them by the Maſters of the *Forgery Mint*, but it will for ever ſubject thoſe to a character of Infamy, who contrary to the Juſtice, Equity and Honour of the Law, wherein they are eminent practicers, have proſtituted themſelves.

ſelves to be Factors for Perjury. And if men will not be brib'd and wheedled to forſwear themſelves upon ſo uſeful and ſacred a deſign, as the deſtroying loyal and harmleſs Proteſtants, who are guilty of no other Crime, but their withſtanding the eſtabliſhment of Popery and Arbitrary Power, they are then hector'd and menaced, and in the Phraſe of our *Engliſh Cicero*, threatned with a new ſort of advancement. Their method is, when they accoſt a perſon, to inſinuate into, and perſwade him, that he muſt needs know ſomething of the Earl of *Shaftsbury*'s deſigns againſt His Majeſty; and that if he will be ſo ingenuous as to confeſs, he hath an opportunity preſented him, both of enriching himſelf, and obtaining the favour of the Government: But then in caſe the party aſſaulted, prove ſo juſt to himſelf, and the perſon whom they would *decoy* and Wire-draw him to accuſe, as to tell them, he is altogether ignorant of any ill deſign projected or promoted by that Noble Peer, he is in the next place told, that they have an Information of a dangerous Nature againſt him; and that ſeeing by declining to inform againſt my Lord *Shaftsbury*, he makes himſelf unworthy of the Favour and Pardon of his Prince, he muſt therefore expect to feel the rigor and ſeverity of the Law. This was the courſe that was ſteered towards Captain *Wilkinſon*; and this was the way wherein Sir *Richard Graham*, late High Sheriff of *Yorkſhire*, and Sir *Jonathan Jennings*, a Juſtice of the Peace in *Ripon*, uſed towards *William Brownrigg*. And as all the Nation is ſufficiently made acquainted with, and is fully ſenſible of what Captain *Wilkinſon*, for declining to be a falſe Witneſs, became expoſed unto, ſo I ſhall here ſubjoin the *Mittimus*, by which *Brownrigg*, upon his refuſing to come in as an Evidence againſt the Earl of *Shaftsbury*, was ſent Priſoner by Sir *Jonathan*, to *York* Caſtle, upon a pretence,

that

that there was an Information of Treaſon againſt him, and that it was no more but a pretence, or what is equivalent, a falſe Information, appears from their diſcharging him ſometime after without any proſecution.

Weſt Rid. Comit. Ebor.

Whereas an Information upon Oath of a Treaſonable nature hath been made againſt Mr. William Brownrigg *of* Knaresbrough, *Atturney at Law: Theſe are therefore in His Majeſties Name ſtreightly to charge and command you, or ſome of you, to take into your cuſtody the ſaid* Will. Brownrigg, *whom I herewith ſend you, and him ſafely keep, till he ſhall be delivered by due courſe of Law. Given under my Hand and Seal the* 30*th day of* Auguſt, 1681.

Jonath. Jennings.

All men who have any knowledg of the Law of *England* will ſay, this is a ſtrange and unuſual Warrant, and for which Sir *Jonathan* deſerves to be called to an account; but the true reaſon why *Brownrigg* was Committed upon a general charge, was becauſe really there was nothing againſt him, ſave that *Baynes* had given Information to ſome here, who tranſmitted it to *Yorkſhire*, that *Brownrigg* had acquainted Mr. *Stringer*, Servant to the Earl of *Shaftsbury*, that there was a Deſign carrying on againſt the Life of his Lord. Upon the whole it plainly appears, that this pretended Proteſtant Plot, which the Nation hath been ſo alarm'd with, and filled with the noiſe of, is nothing but a mere Invention of the Papiſts, and of ſome ill men, who under the diſguiſe of being for the Crown and the Church, ſerve and promote their treacherous and wicked Deſigns; and that the combination againſt our Religion, Laws, Lives and Liberties, is as

ſtrongly

ſtrongly and effectually carried on under a falſe Accuſation of Treaſon, as it was heretofore purſued upon the ſcore and account of Hereſie. And beſides ſeveral Informations which are to be met with elſewhere, relating to the concernment of very great men in this Papal *Intrigue*, there are many other Depoſitions come to our hands, declarative of the ſame Conſpiracy, which to prevent the encreaſing our Animoſities, and the making the Settlement of the Nation deſperate, ſhall be at this time withheld and remain concealed.

See no Proteſtant Plot, part 1. p. 25.

And therefore without any further diſplaying or proſecution of this, we ſhall in the next place addreſs our ſelves to the conſideration of the Credit of thoſe Witneſſes, upon whoſe Teſtimony the whole Fabrick and Structure of a *Proteſtant Plot* is founded and built. And tho' we are told by the *Reverend Judges*, *That the Credibility of the Witneſſes lies not before a Grand Jury, but that they are to remain ſatisfied in having matter that is treaſonable, ſworn before them by Two Witneſſes that are* prima facie credibil (where by the way, albeit *prima facie credibil*, be in the Print,, yet it is not in the Manuſcripts which we have had the fortune and opportunity to conſult.) I ſay notwithſtanding that we are told thus by the Judges, yet we apprehend our ſelves juſtified both by the Law of the Land, and the common Reaſon of Mankind, in taking upon us to affirm, that no man is to have his Name, Reputation and Honour upon a *Preſentment* detracted from, much leſs his Loyalty to his Prince Impeached upon an *Indictment*, and thereby his Life and Eſtate brought into danger,

See the Proceedings againſt the Earl of *Shafsbury*, p. 33.

ger, ſave upon the Evidence of perſons of good Credit and moral Fame. The very words of the Statute of the 13 *Car.* 2. upon which my Lord Chief-Juſtice was pleaſed to ſay, *That the Indictment againſt the Earl of* Shaftsbury *was principally founded, becauſe it not only contains the Treaſons declared in the Statutes of the* 25*th of* Edw. 3. *but enlargeth them in many particulars*; I ſay that very Statute requires, that *the Witneſſes be lawful and credible.* Beſides it is a plain contradiction, that a perſon ſhould be ſuppoſed *credible*, who either never had or hath forfeited his *credit.* No man is capable of proving a Crime *Legally*, but he that is reputed *Morally* honeſt. All Hiſtories, as well *Sacred* as *Prophane*, tell us, How men of depraved Principles, being influenced by thoſe in Power, or bribed and hired by Rewards, have conſpired to Swear againſt the Innocent. Thus was *Naboth* murdered at the inſtigation of the Court, upon the Teſtimony of perjured and ſuborned Witneſſes. And as his Crime was his ſtanding for his Legal Right, and not ſurrendring his Property and Inheritance to the *Deſpotical* pleaſure of the Prince; ſo he was both Tried and Condemned in the way of a Legal *Form.* Nor ought it to appear ſtrange, to find a guiltleſs perſon Accuſed by falſe Witneſſes of Treaſon, ſeing the Holy and Innocent *Jeſus* was Indicted and Murdered for no leſs Crime, and that by the mouths of two Witneſſes, of the very complexion and ſtamp with ours, and procured in the ſame way. Whoever hath read *Tacitus* or *Suetonius*, will be ſupplied with Inſtances enough, of the ſlaughter of the chiefeſt Patriots of the *Roman* Liberty, who were deſtroyed by the Depoſitions of falſe Witneſſes, ſet on and authoriſed by the commands of Soveraigns, and encouraged by Rewards from the State. Yea, ſo prevalent are *Ibid.*

Malice and Revenge in ſome, Pride, Envy and Emulation in others, and the love of Profit and Gain in many, that neither the moſt provident and ſevere Laws to the contrary, nor the Wiſdom and Circumſpection of the beſt and moſt prudent Adminiſtrators of publick Juſtice, have been able at all times to prevent the ruin of the moſt uſeful, eminent and innocent perſons, but they have periſhed under the falſe Accuſations and groundleſs Calumnies of perjured and wicked Raſcals. Thus *Anthonio Foſcarini*, a Cavalier and Senator of *Venice*, was *Anno* 1622. ſeen hanged upon a Gallows upon the Teſtimony of infamous perſons, whereof ſome turning Accuſers, and others Witneſſes, they deſtroyed a *Patrician* of great Merit and Vertue, and brought an aſperſion upon the Juſtice of the *Venetian* Senate. But this ought to be added for the Honour of that Republick, that aſſoon as they had diſcovered the Conſpiracy, under the fraud and villany whereof he fell, they not only inflicted a moſt remarkable puniſhment upon the principal Authors and Inſtruments of his Murder; but by a publick Declaration they both reſtored unto him an honourable Name, and to his Poſterity the antient luſtre of his Family, with an advancement to further degrees of Honour in the Commonwealth. And tho' we hope that God will preſerve all the Patriots of our Religion and Liberties from periſhing through the Combination of ſuborned and profligate Wretches, as this unfortunate *Patrician* did; yet we expect from the Juſtice of His Majeſty and the Government, that having a more wicked, large and deſtructive Conſpiracy againſt innocent perſons detected unto them, they will not think it unbecoming the Glory of a Monarchy, to imitate a Republick in all the meaſures

See Nani's *Hiſt. lib.* 5. *p.* 180.

of

of Equity and Righteouſneſs, as well towards the unjuſtly accuſed, as the infamous Accuſers.

But to proceed, No mans life were ſecure, provided the Witneſſes would but ſwear things heinous, and with conſiſtency and boldneſs, if a Jury were not to judg of their Credibility and Fame. Not only our Laws, but the Laws of all Nations declare ſome ſort of men infamous; and Principles of Natural Light, and Converſe among men, inſtruct us to ſuſpend giving credit to divers, whom the Laws have not branded with that ignominious character. And a perſons being Morally flagitious, tho' he be not in a Legal ſenſe infamous, may render his Teſtimony juſtly ſuſpected; becauſe he hath abandoned all Principles which may reſtrain him from ſpeaking falſely. What a ridiculous thing were it to require Grand Juries to uſe all poſſible means of diſcovering whether Indictments and Preſentments be true or falſe, if they are not to judg of the Credibility of the Witneſſes, upon whoſe Teſtimony they are to give their Judgment and Opinion? Were it not an unjuſt as well as incongruous thing, to make all Grand Jury-men ſwear, *They ſhall preſent nothing but the Truth, and the whole Truth*, if they be not to enquire how far the Oaths of the Witneſſes, upon which their *Verdict* depends, ought to be believed, ſeing there are ſome, that *Ne jurantibus creditur.* Now as to the Witneſſes that Swear a *Proteſtant* Plot, there are in general theſe Three Things to Impeach the Credibility of their Teſtimony. Firſt, They are remarkably Profane and Flagitious; and we uſually ſay, that *Juſtitia cunt ſcelerato non poteſt habere comercium*, Truth and Righteouſneſs have no place, where Ungodlineſs and Villany bear ſway and reign. They perjure themſelves every day over and over out of Wantonneſs; and is it

not then probable, that they will forſwear themſelves for profit, eſpecially if they may be protected from the puniſhment which they become liable unto, upon the account of it. Nor do I know any thing that ſhould check or reſtrain them; for as they live dreadleſs of God and Hell, ſo they imagine that the Intereſt and Power of the party, whoſe Deſigns they promote in ſwearing a *Proteſtant Plot*, will be able to defend them from the Gallows and Halter. Their Debaucheries are ſo ſignal, beyond thoſe of other men, that whereſoever they come, they are known without enquiry to be the *New Evidence* by their exceſſive Debaucheries. Their declining to anſwer Queſtions put unto them by the Jury, as ſuppoſing that by their reply, they may bring themſelves under a Subjection to puniſhment, is demonſtrative to all the World how infamous Raſcals they are, and how little they ought to be credited. In the ſecond place, They are all of them of a narrow fortune, and moſt of them miſerably indigent. It was their daily complaint a little before they became Evidence to prove a *Proteſtant Plot*, that they were ready to ſtarve, and wanted bread. The *Civil Law* tells us, that *vili perſonæ non facile creditur*; *We are not eaſily to give credit to a penurious perſon.* And as all Nations take notice, that the Teſtimony of neceſſitous perſons, ought not to bear much ſway with any man; ſo ſome Governments have taken care, that ſuch who have not a competency to raiſe them above the Temptations of Hunger and Want, ſhall not in any Caſe that is Criminal, be allowed to be Witneſſes. The Poet tells us, that *Quantum nummorum quiſque habet in arca, tantum habet & fidei*; that is, he who cannot live without being beholding to others, ought not to be admitted to have a Reputation to ſupport what he ſays in a Caſe that is Important,

and

and where he may reap conſiderable advantage by his Teſtimony. *Agur* knew what Temptations there were in Penury, and therefore prayed, *That he might not be poor, leſt he ſhould take the Name of the Lord in vain.* And the raking of *Goals* for Witneſſes, is an undeniable Argument, that there is little Reality or Truſt in that which they are produced for. Nor is it improbable, but that theſe Raſcals finding themſelves diſappointed both of Penſions from the *Parliament*, and Contributions from the *City*, and having nothing of their own whereby to purchaſe food and raiment, they thereupon bethought themſelves of ſetting their ſouls to Merchandiſe making a Subſiſtance by the ſale of their Conſciencies. When they perceived, that by all their Importunities and Petitions, they could not ſqueez Mony out of our Pockets, they took up a Reſolution in anger and revenge to drink our Blood.

Men that are neceſſitous, and withal wicked, will undertake to perjure themſelves a thouſand times over, provided they may be put into a Condition of living in plenty and eaſe. But this having been ſuggeſted and inſiſted upon elſewhere, I ſhall content my ſelf to have here briefly intimated it. Thirdly, They were the moſt unlikely of all men alive, to be made acquainted with thoſe things they ſwore about. No man who is not forſaken of his Reaſon, would ever believe that they who had diſcovered the Deſigns of their own Party, notwithſtanding the Oathes of Secrecy which they were under, ſhould conceal a Conſpiracy of ours. For the ſame inducements that led them to diſcover the *Popiſh Plot*, muſt in all mens apprehenſions, much more influence them to reveal a *Proteſtant* one. Is it not enough, that the Authors and Managers of this *Intrigue*, would have us be-

See no Proteſt. Plot. part 1. *p.* 26. *and part* 2. *p.* 10, 11.

lieved to be Traytors, but they muſt proclaim us arrant Fools? Inſtead of endeavouring to hang us, as Conſpirators againſt the King, they ought to beg us as *Naturals*; and inſtead of ſending us to the *Tower* and *Newgate*, they ſhould ſend us to *Bedlam*, as the moſt proper place. If we be ſo ſilly as they repreſent us, we ought not to be indicted, but to have Phyſick preſcribed unto us. And this Affair is not ſo fit for the *Council-Table*, and a Bench of *Judges*, as for a Colledge of *Phyſicians*, and a Company of *Apothecaries*. Whoſoever conſiders theſe fellows either with reſpect to their *Morals*, or their *Politicks*; or takes a view either of their Natural or their Civil Capacity, will eaſily conclude, that none but men wholly bereft of their Wits would entruſt them with the knowledge of a Deſign which they were in no Condition to further; and which rationally they muſt be conceived inclinable to betray. And if we ſhould believe that perſons who are neither acquainted with the *Hiſtories* of former times, nor have themſelves been converſant in any weighty Counſels, or important Affairs, ſhould be guilty of ſuch a folly and madneſs; yet no man can believe ſuch a thing of the Earl of *Shaftsbury*, whom whatſoever his Enemies think, or ſay otherwiſe of him, yet they do all acknowledge him to be a perſon of great Wiſdom, Circumſpection and Conduct. When perſons of a low Condition, and of ſuch profligate Lives, as the witneſſes are known to be, will pretend not only familiar acceſs at all times to a perſon of high quality, but their being upon the moſt weighty and hazareous Secrets of one of the wiſeſt of men, it is an Argument that all they ſay, is Romance and Fiction.

Surely if there had been any *Proteſtant* Plot for the apprehending and depoſing of the King, either thoſe of the Church of *England*, or the *Fanaticks* would have known of

of it; but as the latter do absolutely deny, that ever they either had the least access to such a design, or were any ways made acquainted with, so even those of the Church of *England*, who seem most forward, out of hatred to Dissenters, to believe a *Protestant Conspiracy*, yet they are not able, after all their enquiries concerning it, and the great noise and clamour they have made about it, to arrive at any prints or foot-steps of it. There is this to evidence the truth and reality of a *Popish Plot*, That it was detected both by Laicks and Priests of their own Communion; whereas the first and principal Discoverers of this pretended Protestant Combination against His Majesty and the Monarchy, lately were, and may still be suspected to be Members of the Papal Church.

See No Protestant Plot, *part* 1. *p.* 10.

But what we have said against the Credibility of the Witnesses in general, is nothing in comparison of what we have to alledg against every one of them in particular. And we shall take them in the same order, in our exposing of them, as they were rank'd and brought forth by the *Heraulds*, who best knew their Quality, at the *Old Baily*. And forasmuch as Mr. *Booth* was produced first, we shall accordingly begin with him. Tho' indeed to produce him at all, and especially in the first place, was no less than to discredit the Testimony of all the rest, had they been persons of much better Reputation than they were. And after the many Reflections which I have often made upon the Proceedings of that day, and the manage of them, I cannot but think, that either the Council, for opening, disposing and applying of the Evidence, were strangely infatuated, or that they never intended the Jury should believe one word that was deposed and sworn before them; otherwise they would never have begun with the Testimony

ny of ſo infamous a fellow. This *Booth* hath been guilty of, and publickly branded vvith all ſort of Crimes and Villanies. Having of a *Serving man* or *Steward*, commenced *Parſon*, he vvas juſtly ſuſpended from the exerciſe of the Miniſtry, and vvithal turned out of his living, not only for *Symony*, but for *Debauchery*. He hath been alſo Indicted and Convicted for Clipping and Coining; and had not His Majeſty, upon the importunity of ſome perſons about him, vouchſafed him a Pardon, the *Papiſts* vvould have been prevented of this Witneſs againſt *Proteſtants*; for the Rogue had been hang'd long ago. Can any man think, that he is a credible Witneſs, to prove the beſt *Proteſtants*, and chiefeſt men of Quality of *England*, guilty of Treaſon, who had been condemned himſelf, as a Traitor for a crime of the baſeſt and moſt ignominious kind. I knovv that a Pardon may reſtore a perſon to be a Witneſs in Lavv; but after one hath been Convicted for Crimes ſo prejudicial to States and Societies, as Coining and Clipping are, and vvhich none are found guilty of, or liable unto, but Villains of the baſeſt Principles and moſt degenerate Natures, it cannot be ſuppoſed, that a Pardon vvill ever give them a fair Reputation in the World, or reſtore them to any conſiderable Credit amongſt men; but that notwithſtanding their being pardon'd, they will be always lookt upon as fellows inclinable to be eaſily corrupted, and ready to embark in any ill deſign. Yea, beſides his being Convicted and Condemned for Treaſon, he hath been alſo Indicted for Murder; and tho' he came off, yet all who were preſent at the Tryal ſay, The preſumption was great, and accordingly preſerve in their minds a ſuſpicion of his guilt. For the matter, as it appeared againſt him, lay thus; namely, That a certain boy having had occaſion to know divers of his wicked and criminal practices, *Booth* thereupon became ap-

pre-

prehenſive, that the lad by diſcovering them, might bring him to the puniſhments which he knew he deſerved; and therefore having ſet the youth upon a Horſe, he drove him into a River, and purſu'd him to and fro, till he was overthrown and drowned. The poſitive ſwearing of a Varlet, upon whom the preſumption of ſo horrid a guilt does lye, cannot in the judgment of all impartial men, ſo much as faſten a Reproach, much leſs ſupport an Accuſation of Treaſon againſt any perſon. Nor will it in the iſſue turn to the honour of any, that they have endeavoured to deſtroy the Life of a great Peer, upon the Teſtimony of this profligate wretch. I might add to thoſe Crimes whereof he hath been Charged and Arraigned at Bars, his having paſſed under a ſuſpicion, and undergone Accuſations of poyſoning not only a Gentleman's Horſe, whoſe Company upon the Road, the deſigns which he had then in hand, made him deſirous to eſcape and avoid, but of poyſoning a young Maid or Girl, from whoſe death he expected an advantage. But there needs no more to blaſt the Credit of this wretch, with all that are either wiſe or honeſt, ſave his endeavouring firſt to ſuborn Capt. *Wilkinſon* to ſwear falſely againſt the Earl of *Shaftsbury*, and then depoſing Treaſon againſt the *Captain*, for not complying in ſo wicked a deſign. And for a Jury to believe ſuch a profligate Raſcal's Affidavit, were both to bring upon themſelves the guilt of innocent blood, and betray their own and other mens Lives into his hands, whenſoever it may be profitable to him to ſwear Treaſon againſt them. Upon the whole, As my *Lord Chief Juſtice* had ſome weighty Reaſons, why he would not allow the Jury to ask Mr. *Booth*, *Whether ever he had been Indicted for Fellony*, ſo the Jury had ſufficient Reaſons from common Fame, and the Informations of others, as well as juſt grounds of ſuſpicion from my *Lord's*

Inhibition, and the Fellow's avoiding to anſwer, to believe that he had, and conſequently to judg, what little Credit was to be given to his Teſtimony.

The next perſon who appeared upon the Stage at the *Old Baily*, upon the preferment of the Bill againſt the Earl of *Shaftsbury*, was Mr. *Turberville*; and accordingly we ſhall endeavour to ſatisfie the world, that his Depoſitions againſt this Noble Peer ought to be no ways believed or regarded. I love to tread ſoftly upon the grave of the dead, and therefore ſhall not diſcover the groſs immoralities of his Life; I mean, ſuch as detract from the Reputation of a man's Word and Oath. For being delivered from his malice, I ſhall not load his Memory, more than the being juſt to our ſelves, and the whole *Proteſtant* party in this Kingdom, makes indiſpenſably neceſſary. Mr. *Sampſon* depoſeth upon Oath, That he and Mr. *Turberville* being together, at the Sign of the *Cock*, by the *Pall Mall*, Two or Three days before *Colledg*'s Tryal, Mr. *Turberville* told him *of a deſign that was on foot againſt Proteſtants; but ſwore, That he knew nothing againſt the Earl of* Shaftsbury, *the Lord* Howard, *or any other Proteſtants, ſave only of* Colledg's *idle words, and* Rous's *keeping back the charity of the City from the Evidence. William Clerk*, Eſq; informeth likewiſe upon Oath, *That upon the 5th of* July *he went to ſee Mr.* Turberville; *and having found him in a houſe in* Lincolns-Inn-Fields, *in bed, he told him; That he had heard by Sir* Allen Apſley, *how he, the ſaid* Turberville, *had given Evidence againſt my Lord of* Shaftsbury; *and that* Turberville *replied to this, He would meet Sir* Allen *any where but at his own houſe, and would juſtifie, that he was never in Town ſince my Lord* Stafford's *Tryal; and that he never gave Evidence againſt the Earl of* Shaftsbury, *neither did he know any thing againſt him.* Nay, there are many other perſons of Quality,

lity, ſuch as Sir *Francis Rolls*, *William Herbert*, Eſquire, ——— *Hobbs*, Eſquire, *John Trenchard*, Eſquire, Gentlemen of great Honour and Truth, who do all teſtifie, That after the Commitment of the Earl of *Shaftsbury*, Mr. *Turberville declared the ſame to them with many ſolemn proteſtations, That he neither was, nor could be a Witneſs againſt this Noble Peer.* So that the Grand Jury, before whom the Bill againſt the Earl of *Shaftsbury* was preferred, had juſt ground for the queſtion which they put to the ſaid *Turberville*; viz. *Whether, having been challenged by ſome, after my Lord's Commitment, concerning his being a Witneſs againſt him, he had not proteſted before God, and ſworn deeply, that he knew nothing againſt my Lord.* And all men of Judgment and Senſe, are wonderfully ſurpriſed, both at the *Attorney General's* objecting, *That they were not to be allowed to ask ſuch a queſtion*, and at my L. C. J. inſinuating, *That this was no ground to cavil with the Witneſſes upon*: (for ſo, according to our Manuſcript, tho' it be in gentler terms in the Print, he was pleaſed to expreſs it). For as a Jury are to take equal care to defend the Lives and Reputations of the innocent, as to convict ſuch as are criminal and guilty; ſo they are obliged to take notice of every thing which lies in a ſubſerviency to the diſcovery of the Truth, which way ſoever it arrives with them, whether it be upon publick fame, or by the information of particular perſons. Seing therefore it plainly appears, that what *Turberville* ſaid in the *Court*, was contradictory to what he had declared to divers perſons *elſewhere*; and that his Oath at the *Bar*, was directly repugnant to what he had ſworn before divers Gentlemen in *other places*, we may very reaſonably conclude, that his whole Depoſitions againſt my *Lord*, were either the invention of this perjur'd fellow, or that they were dictated unto him by ſuch who had hired and ſuborned him to come

in as an Evidence, in order to deſtroy this honourable Peer. But this is not all that we have to offer againſt the *credibility* of this Witneſs; for beſides this, we have the Teſtimonies of ſeveral honeſt and reputable perſons, of his acknowledging, that he had been often tempted to go off from his Evidence againſt the *Papiſts*, and to come in, and depoſe againſt *Proteſtants*. For not only Mr *Broadgate* ſwears, *That Mr.* Turberville *told him, that he had great proffers of preferment and rewards from the Court, if he would go off from what he had ſaid, and come upon the contrary*, but Dr. *Oats* affirms, That the ſaid *Turberville* declared unto him, how Mr. *Warcup had offered him any thing he would deſire, provided he would ſwear againſt the Earl of* Shaftsbury, *my Lord* Howard, *Mr.* Rous *and Mr.* Whitaker. Yea, his being one of thoſe that ſubſcribed the Petition to my *Lord Mayor*, the *Aldermen*, and the *Commons* of *London*, in *Common-Council aſſembled*, wherein they declare, *That the Papiſts had not only ſo far wrought upon the neceſſities of ſome, as that for a preſent ſupply, they had Ship-wrack'd their conſciences, but that they were tampering with, and labouring to corrupt others of the moſt conſiderable Witneſſes*; I ſay his being one that ſubſcribed that Petition, is enough to aſſure all unbiaſſed perſons, how and upon what Motives and Terms he came to be an Evidence concerning a *Proteſtant* Plot. And whereas he had the Impudence to affirm in Court, *That tho he ſigned that Petition, yet he never read it, nor knew what was in it*; I ſhall here ſubjoin an Information of Mr. *Bellamy*, the Scrivener who drew it, which being directly

See *Colledg*'s Tryal, p. 45.

See *No Proteſtant Plot*, part 1. p. 26.

See the proceedings at the *Old-Baily*, p. 39.

to

to the contrary, may ſerve both to overthrow this ſhameleſs evaſion, and convince the world what a lying infamous Raſcal this *Turberville* was. Now the Information which Mr. *Bellamy* hath both given under his hand, and declares himſelf ready to Depoſe upon Oath, whenſoever he ſhall be called thereunto, is in the words following; namely, *That Mr.* Turberville, Macknamarra, Haynes *and others came to his houſe (being near* Guild-hal*) the Night before the Common-Council ſate, to deſire him to draw a Petition to the Lord Mayor, Court of Aldermen and Common Council, for their preſent ſupport and maintenance. And that when they had given him Inſtructions, he drew a foul draught thereof, which he read to them the next Morning, as audibly and diſtinctly as he could; and that they all ſeemed very well ſatisfied with it, deſiring only that he would add to the laſt clauſe of the body of the Petition theſe words,* viz. That they could not be ſupplied out of His Majeſties Exchequer. *And that when he had thus perfected the foul draught to their ſatisfaction, and ingroſſed it, he read it to them again with the ſame plainneſs and diſtinctneſs as before; and that all of them did very well approve of it, eſpecially Mr.* Turberville, *who was pleaſed to give it a particular Character.* Now whether we ought to believe Mr. *Turberville*, who ſwears *That he never read that Petition, nor knew what was in it; but that it was drawn by the order of Mr.* Colledg, or believe Mr *Bellamy*, who affirms and is ready to depoſe upon Oath, That *Turberville* and the reſt gave Inſtructions for the drawing of it, ordered the foul draught to be corrected by the addition of ſeveral important words, had it read to them diſtinctly and audibly, and gave their approbation of it; I ſhall refer it to the judgment of all ſober, diſcreet and unbiaſſed men. Nor is it unworthy of our obſervation, that when the ſame

Petition

Petition was objected againſt him at *Oxford*, towards the invalidating his Teſtimony againſt Mr. *Colledg*, he was provided with no ſuch anſwer as this, which he retreated to at the *Old-Baily*; which forced My Lord Chief-Juſtice *North* to endeavour to relieve him, by ſaying, *There was nothing in that Petition, that is a Contradiction to what he then Swore.* But I humbly conceive all men will not be of this *Reverend Judges* mind, eſpecially when they conſider that *Turbervile* and the reſt whoſe hands are to that Petition, do not only therein declare how reſtleſs the *Papiſts* were in tampering with the Witneſſes to corrupt them to ſtifle and diſcredit the belief of the *Popiſh Plot*, but that they were labouring to obtain them to impute the ſame unto, and devolve it upon *Proteſtants*. And for the ſhift which *Turberville* hath ſince betaken himſelf unto, it is nothing but an evaſion, either lately invented by himſelf, or ſuggeſted unto him by thoſe that Suborned him. And yet the Sillineſs of it is as conſpicuous as the Falſhood. For as it is incredible that any man ſhould ſet his hand to a Paper, which he had neither read, nor knew what was in it; ſo no man that ſhould draw ſuch a Petition, provided he were wiſe, would admit it, ſeing it might give thoſe very perſons, at whoſe deſire he had done it, an advantage of turning upon him, to his prejudice. The whole ground and foundation upon which *Turbervile* came to Swear a *Proteſtant Plot*, are laid open and detected to us by Dr. *Oats*. For the Doctor hath Depoſed in Court, that *Turbervile* juſtified his Swearing Treaſon againſt Mr. *Colledg*, (tho' he had ſaid before, that he would not give any Evidence againſt him) *Becauſe the Citizens*

See Colledges Trial, p. 47, 48.

See Colledge's *Trial*, p. 48.

Citizens had deſerted him, and God damn him he would not ſtarve. Alas! We poor *Proteſtants* thought our ſelves ſafe in our Innocency, but behold a company of indigent and mercinary Raſcals have reſolved to Swear us into Guilt, that they might obtain Bread. Upon the whole it doth appear, that the Teſtimony of *Turberville* ought to be eſteemed of no validity: And that the *Jury* could not in the caſe of my Lord of *Shaftsbury* do otherwiſe than they did, notwithſtanding the Teſtimony of this Fellow, without becoming themſelves unrighteous and unjuſt.

The next perſon that mounted as an *Affidavit*-man againſt the Earl of *Shaftsbury*, was Mr. *John Smith*, a perſon every way adapted to compenſate the deficiency of truth in what he ſays, with impudence in the manner of declaring it. And becauſe ſome who do not throughly know the man, ſeek more eſpecially to countenance the belief of a *Proteſtant* Plot from his Teſtimony, we ſhall be the more careful to unmask him, and give the world a repreſentation of him in his juſt features, complexion and colours. What truely his Chriſtian *Name* is, or whether he have any or no, I cannot certainly tell; but I have made a ſhift of late to learn both his *Sirname* and his *Country*; namely that the one is *Ireland*, and the other *Barry*. And ſeeing that he was not brought to acknowledg the name of *Barry*, but after ſome tergiverſation; I do affirm, that that is the only name he ought to go by, if it were not the temper, humour and intereſt of the man to walk always in a diſguiſe. And foraſmuch as he hath been ambitious to ſeek a Reputation by pretending himſelf an *Engliſh*-man, I do proclaim to all the world, that he was born in *Connaught*, in

See proceedings againſt the Earl of Shaftsbury, p. 69.

in the Kingdom of *Ireland*. 'Tis ſo habitual for ſome to lie, that no ties nor obligations can make them ſpeak truth. However, he hath not ſo much diſhonoured *England*, by pretending himſelf a Native here, as he hath our *Lord Jeſus Chriſt*, by giving himſelf out for a *Chriſtian*. For whereas *England* owns many Villains and flagitious perſons for Natural Subjects and free *Deniſons*, *Chriſt* will acknowledg none for *Chriſtians* that only make mention of his Name, when they blaſpheme it. But if the world will account him for a *Chriſtian* that ſwears as often as he ſpeaks, I ſay, that in all probability, notwithſtanding whatſoever he pretends to the contrary, he is truly and really a *Papiſt*. For Mr. *Sampſon* hath depoſed upon Oath, *That* John Smith, Stephen Dugdale *and* Edward Turberville, *having ſent for him to the One Tun Tavern in* Hungerford *Market, on the* 23*d of* September *laſt*, Smith *begun the Duke of* York's *Health, ſwearing, God damn him, that he therefore both loved him, and drunk his Health becauſe he was a* Papiſt. I am ſo far from being angry at his drinking the *Duke* of *York*'s Health, that out of ſincere love to His Majeſty, as well as the Proteſtant Religion, I wiſh no man may ever have occaſion to drink it under a higher Title. All that I would obſerve is, upon what motive and inducement *Barry*'s love to his Royal Highneſs is grounded and built. To this I ſhall only ſubjoin one proof more, of what Religion, whatſoever he pretends, we ought to eſteem him to be; namely, that he ſaid at *Newark*, He would ſooner hang Ten *Proteſtants* than One *Papiſt*. And his Reaſon was as conſiderable as his Aſſertion, *viz.* becauſe the Popiſh *principles led them to Treaſon, which the* Proteſtant *principles did not*. It would ſeem, the fellow begun to apprehend, that the Court would grow weary of his confidence and importunity, and therefore he begins to commend principles which

may

may juſtifie his being another *Jaques Clement*, or a new *Ravilliack*. And if he anſwer the Character I have received of him, there is not a perſon alive, who is more likely to ſupply the place, and undertake the Province of the *Four Ruffians*, who were diſappointed and prevented in their deſign againſt his Majeſty, *Anno* 1678. than this lean, long chapp'd *Caſſius* featured fellow is; and the rather, to expiate the Crimes againſt the *Papiſts* and the D. of *Y.* which he contracted, by pretending to be the Author of a Narrative, which, ſave the Depoſition, was none of his own. But to make a nearer approach to the Credibility (and that I may uſurp a modern Phraſe), the *Veracity* of this Gentleman, there are no fewer than an hundred Witneſſes, who can teſtifie, how he uſually reproached the *Iriſh* Evidence, alledging, that their Credit was ſo mean, that it would not ſuſtain the Depoſitions which they had given concerning a Popiſh Plot; and that all of them were ſuch Mercinary Raſcals, as would be induced, and were in a fair way of being prevailed upon to ſwear, that there was a Conſpiracy wherein Proteſtants were engag'd againſt the Government. And the morning when *Haynes* was apprehended, and was ſaid to have made a great diſcovery to this purpoſe, *Smith* proteſted to Mr. *Blake*, a *Linnen-Draper* in *Cornhill*, that it was all but *Sham*, and an acting over the *Meal-Tub* deſign. Nay, the very day that *Everard* and he were called as Witneſſes upon the Bill againſt my Lord *Howard*, he told Mr. *Wilmore*, calling God to witneſs to the truth of what he ſaid, *That he knew no harm by my Lord* Howard, *nor by any Proteſtant in* England; *and that he knew no Reaſon, why he and Mr.* Everard *ſhould be ſubpœna'd, unleſs it were to gloſs the buſineſs, and make Mrs.* Fitz Harris's *and her Maid's Teſtimony go down*

See Colledg's *Trial*, p. 91.

the better with the Jury. The ſame he told that very day to Dr. *Oats*, with this addition, *That he ſhould be a great Rogue, if he ſwore againſt any Proteſtant, whether Lord or other.* And the Evening after Mr. *Fitz-Harris* was Executed, *Smith* being in company with Mr. *Blake*, Mr. *Kelſey* and Mr. *Hamlin*, Three perſons of unſpotted Integrity and good Credit, and being diſcourſing concerning the Plot which *Haynes* was reported to have ſworn, he ridicul'd it as meer *Sham*, and perfect forgery. And not only ſo, but ſome days after *Colledg*'s Tryal, he affirmed to Mr. *Gardiner*, a Common Council-man, and to one Mr. *Smith*, an Apothecary, *That he knew of no Proteſtant Plot, neither did he know of any Proteſtant concerned in a Plot, only that* Colledg *had ſpoken ſuch and ſuch words, which for his part he did not believe to be true.* Nay, the *Monday* before the Earl of *Shaftsbury* was Committed, he ſent for a Gentleman, who when there is a juſt occaſion, will be ready to teſtifie it upon Oath; and the Gentleman having met him according to his deſire, he not only told him, there was Treaſon ſworn againſt that Noble Peer, and by whom, but that a certain Lord in the other end of the Town, had been dealing with him to ſwear likewiſe againſt him. Withal, he further added, that he replied to that Lord, and ſaid, He thought he knew the Earl of *Shaftsbury* as well, and had as much Credit with him, as thoſe whom his Lordſhip had named for Witneſſes againſt him, and yet he had never heard him ſay any thing that was Treaſonable, nor what had a tendency that way. And this he deſired to have communicated to my Lord *Shaftsbury* that night, ſaying, it was his intereſt to know it as ſoon as might be, ſeeing there was a great deſign againſt his Life. And yet after all theſe Declarations, made at ſeveral

See *Colledg*'s Tryal.

veral times, and to different persons, this impudent and frontless fellow, hath not been ashamed to appear on the publick Stage, and accuse this Honourable Peer of most horrid Treasons. Nor is it difficult to conceive, how this came about: for being a man of no Conscience, and ambitious of Preferment, he was easily perswaded by Justice *Warcup*, upon the promise of a *Deanry*, to undertake the accusing Protestants of a Conspiracy against his Majesties Person and the established Government. He had been often complaining, that he was neither so much regarded at Court, nor rewarded by the Parliament and Kingdom, as he thought he deserved, and had impatiently expected, for the discovery which he gave of the Popish Plot. And therefore being accosted by *Warcup*, with promises of preferment, beyond what he could hope for by adhering to his Evidence against the Papists, he readily complied with the *Justice's* importunity, and comenceth a Witness on the gainful side. This plainly appears by the information which Dr. *Oats* hath given; namely, *That the Dr. having askt* Smith, *what he had been at* Windsor *about?* Smith, *by way of reply, told him, he had been there about a design which he supposed the Dr. would be glad to come into; and that he might not only learn it of* Warcup, *but be happy, if he followed his advice therein.* Accordingly, the Dr. being curious to know what this great project, which would render a man happy, should be, he addressed himself to the Justice, who told him, *That there was a design to take off my Lord of* Shaftsbury, *and that he had brought over* Smith, *and several others to accuse him, and swear a Protestant Plot.* And if the design against the Lives of Protestants, were to be carried by positive Swearing, there is not a Knight of the *Post* in *England* that can parallel *Smith* in a bold and daring *Assidavit.* For he that hath so far abandoned all Mode-

ſty, and renounced all Fear, as not to forbear to ſay, *That if he pleaſed, he could prove God Almighty a fool*; will never be ſtartled at Swearing an Innocent and Loyal perſon, *a Rebel and Traitor.* And he that that is ſo dreadleſs of the Tribunal of Chriſt, as to bid *God damn the Goſpel*, will eaſily diſpenſe with murdering the guiltleſs. It is not improbable, but that the fellow being originally an *Iriſh papiſt*, was nurſed with the Blood of *Proteſtants*; and that therefore he ſtill thirſts after it, as his natural and *genial* drink. He knows how to compenſate the want of truth in the matter he is to ſwear about, by impudence in the manner of declaring what he ſwears unto. And could he have been but once believed by a Jury, there would no man have been ſafe, whom he either hated, or whom his ſupreme Directors were deſirous to have taken out of the way. For there is one Mr. *Shewin* Depoſeth that he heard him ſay, *That had he but the knowledg of Mr.* Jenks *and ſeveral others who had traduced him, he would make examples of them, and not fail to Swear that againſt them, that ſhould take them off.* And there is a Gentleman of unqueſtionable reputation, who affirms he heard *Smith* ſay, *He could ſwear Treaſon againſt an hundred Proteſtants, had he but other Witneſſes to join with him.* Nor did *Smith* think it enough to engage to perjure himſelf in order to deſtroy *Proteſtants*, but he hath turned Suborner of others to do the ſame. And I ſuppoſe I may lawfully and fairly mention *Bilron's* Depoſition to that purpoſe. For tho' he be a profligate Villain himſelf, yet he may be a good Witneſs againſt his Complices, and eſpecially ſuch as debauched him into Perjury.

See no Proteſtant Plot, part 2. p. 8. and Colledge's *Trial, p. 49.*

Perjury. That which he Depoſeth is briefly this, namely, *That* Smith *perſwaded him to Swear, that Sir* John Brooks *and others held a Conſult at* Grantham, *and that it was there reſolved it was better to ſeize the King at* Oxford, *than to let him go; and that if* Balron *would manage it rightly againſt my Lord* Shaftsbury *and* Colledge, *he would make him for ever.* And ſeing *Mowbray* hath been lately produced by Juſt. *Warcup* at the Court of the *Verge* as a good Evidence, I ſuppoſe we may likewiſe produce his Teſtimony, in proof of *Smith*'s being a Suborner. Now he Depoſeth, That *Smith* importuned him to Swear, *That Sir* John Brooks *had ſaid there would be cutting of throats at* Oxford, *and that the King would be ſeized there. And he ſays* Smith *added, That the Parliaments denying the King Money, and ſtanding upon the Bill of Excluſion, was pretence enough for any man to Swear, that there was a Deſign againſt the King, and that the King was to be apprehended.* And as theſe Witneſſes ought not to be diſallowed by the managers of this *Proteſtant* Plot, ſeing they are made uſe of by themſelves, ſo they not only prove *Smith* to be an infamous and ſuborning Raſcal. But beſides the Depoſitions unfold and declare the whole Myſtery of this pretended *Proteſtant* Conſpiracy. For whoſoever are either againſt a Popiſh Succeſſor, or unwilling to give Money till they know how it ſhall be employed and applied, are to be Sworn againſt as Guilty of a Deſign to Depoſe the King and alter the Government. So that there is no mean, if theſe men have their Will, but we muſt either ſubmit to be Papiſts and Slaves, or elſe we muſt be content to be deſtroyed as Rebels and Traitors, in the way of a Legal Proceſs. I think we may

See *Colledge's Trial*, p. 57, 58.

See *Colledge's Trial*, p. 59, 60.

ſay.

ſay now upon the whole of what hath been declared concerning *Smith*, that that man is not careful of his own Credit, who will give credit to this fellows Teſtimony. And whatſoever Jury ſhould find a Bill upon this Wretches Evidence, may be juſtly eſteemed to put their Neighbours Life in jeopardy, upon the Oath of a ſuborned and perjured Rogue. Nor can they who ſhall hereafter bring in a Verdict againſt Proteſtants upon *Smith*'s Depoſition, be thought to have duly regarded or conſidered the quality of the Witneſs, or the credibility of the Evidence; but rather be judged by all to have purſued either their own Animoſities, or the unjuſt Quarrels of other men.

The next Witneſs who at the proceeding at the *Old-Baily* ſwore againſt that Honourable Peer the Earl of *Shaftsbury*, was *Brian Haynes*, a fellow ſtigmatized and branded with the infamy of ſo many Crimes, that he diſgraceth any Cauſe which he is produced in the favour of For ſeeming *Angels* are not to be believed, when they are in fellowſhip, and ſpeak in conſort with Helliſh *Fiends*. It were endleſs to recount the Enormities of his Life, all his days having been ſpent in wickedneſs and profligacy. For beſides the Thefts and Robberies whereof he was guilty when at liberty: This is remarkable, that when his Debaucheries and Immoralities had lodged him about ſix years ago in the *Kings-Bench*, ſo prevalent was the habit of Villany which he had acquired, that among other Rogueries which he practiſed there, he ſtole a Tankard belonging to the *Drawer*. And what is this leſs than committing a Robbery in the ſight of the Gallows, which we ſay is the higheſt Token of irreclaimableſs and obſtinacy in Wickedneſs. Yea Perjury it ſelf, which

See John Whaley's *Depoſition in* Colledge's *Trial*, p. 44.

is

is the moſt fatal and deſtructive ſin to the Safety and Peace of Mankind, is a Trade which he hath been long accuſtomed unto. For in a Caſe between Mr. *Bill* and my Lady *Windham*, divers years ſince, he gave a falſe Teſtimony upon Oath, as he not only afterwards acknowledged to my Lord Chief-Juſtice *Rainsford*, but for which he craved her *Ladiſhips* Pardon. Nor is there any thing more obvious, than that he ſwore falſly at *Oxford* upon *Colledge*'s Trial. For whereas he there Depoſeth upon Oath, *That* Colledge *ſhould ſpeak opprobriouſly of My Lord Chief-Juſtice* Pemberton, *in the Month of* March, *before the Parliament ſate at* Oxford, it is moſt certain and falls under the knowledg of all *Engliſh* men, That that worthy Gentleman of the *Coif* was not made *Chief-Juſtice* till about the middle of *April* following. So doth God infatuate men when they engage themſelves in a wicked Deſign, that he over-rules them in ſome thing or other to betray themſelves, and beyond their intention to detect the Villany wherein they are concerned. To that prodigious Impudency was that Wretch arrived, that he hath openly profeſſed Swearing and Perjury to be his Trade. For Mr. *Hickman* Depoſeth, That he heard *Haynes* ſay to one Mr. *Scot* a Papiſt, *God damn him, he cared not what he ſwore, nor whom he ſwore againſt, becauſe it was his Trade to get his Money by Swearing.* This brazen-faced Varlet that ſwears now ſo poſitively a Proteſtant Plot, did not only Depoſe upon Oath before Sir *George Treby*, *March* 6. 1681. *That* David Fitzgerald *was purſuing a Deſign of ſtamming the* Popiſh Plot, *and forging a* Proteſtant *one*; but he preſented the ſame in a Paper which remains at the Council-Board, a

See Colledge's Trial, p. 31, 31.

See Colledge's Trial, p. 30.

Copy

Copy whereof as it was extracted by *William Blathwayt* the 5th of *Octob* 1681. I ſhall here annex.

Brian Haynes, *of* London, *Gentleman, Aged Thirty years, and upwards, maketh Oath, That Mr.* David Fitz-Gerald, *one of the Kings Evidence, told this Deponent, about the latter end of* February *laſt, that he the ſaid* Fitz-Gerald *poſſeſſed His Majeſty, and alſo gave it under his Hand and Seal, that the late Plot was a Presbyterian Plot, and invented by the Right Honourable the Earl of* Shaftsbury, *of purpoſe to extirpate the Family of the* Steward's, *and dethrone his preſent Majeſty, and turn* England *into a Common-wealth, or elſe ſet the Crown upon the ſaid Earl's head, which the ſaid Earl told the ſaid* Fitz Gerald, *did more appertain to the ſaid Earl, than to his preſent Majeſty. And this Deponent further ſaith, That one* Robert Power, *agent for the Earl of* Tyrone; *and likewiſe the ſaid* Fitz Gerald *did divers times tamper with the Deponent, to ſpeak with Mr.* John Macknamarra, *to the end the ſaid* Macknamarra *would retract his Depoſitions concerning the Popiſh Plot, againſt the ſaid Earl of* Tyrone. *And that in caſe the ſaid* Macknarra *would deny what he depoſed againſt the ſaid Earl of* Tyrone, *the ſaid* Robert Power *and* David Fitz Gerald, *did to this Deponent promiſe, the ſaid* Macknamarra *ſhould be provided for all the days of his Life. And this Deponent further ſaith, That the ſaid* Fitz Gerald *told this Deponent, he wanted but Mr.* John Macknamarra *to come in and joyn with him, and he would have the Earl of* Shaftsbury's *head cut off, and ſham the whole Popiſh Plot.* By this Depoſition we are plainly led into this whole deviliſh Intrigue, of charging Proteſtants with a Conſpiracy againſt the Perſon of the King, and the eſtabliſhed Monarchy. For *Fitz-Gerald* being corrupted by the Papiſts, and ſuch as manage their deſigns, to ſham off the Popiſh Plot, and ſwear one upon Proteſtants, he accordingly applies himſelf

ſelf to every perſon, whom he conceived, with any probality, entertain thoughts of prevailing upon. And by dealing with men of no Principles, and of moſt profligate Lives, to whom were propoſed great Offices and ample Rewards, they have by degrees been able to muſter up Nine or Ten Raſcals, moſt of which were before notoriouſly infamous; and having clothed them with the ſtile of the King's Evidence, they grow angry that their Teſtimony is not admitted to the reproach of our Religion, and the deſtruction of many innocent perſons. Yea, this wretch *Hayn*'s confeſſed to one Mrs. *Hall*, *That he had been dealt with to form a* Preſbyterian Plot, *and that he was deſired to corrupt and ſuborn one* Everard *and others to come over and promote the ſame Deſign.* *Sce* Coledge's *Trial*, p. 42.

And upon the Overtures which had been made him, he not only told one Mr. *Titon*, *That he could frame a* Preſbyterian Plot, *and that there was Money to le gotten by doing it*; but he acknowledged to one Mr. *Richards*, *That he was employed and had an hand in putting the Plot upon Diſſenting* Proteſtants; *and that he was offered a Pardon and* 500 *l*, *if he would ſwear ſuch and ſuch baſe things*, That is, if he would accuſe the Earl of *Shaftsbary* and other Loyal Patriots of Religion and *Engliſh* Liberties, of being guilty of a Conſpiracy againſt his Majeſty, and the eſtabliſhed Government. And the Fellow being in great want, and having long before ſhipwrack't his Conſcience, he was eaſily brought to comply with this wicked and abominable Propoſal. For as he told *Mowbray*, *His neceſſitous Condition made him take deſperate Reſolutions, and that to make his Fortune, he would ſwear a Plot againſt the* Preſbyterians, *in reference to whom any plauſable thing would be believed.* Ibid. p. 43.

And that the World may know of how long ſtanding this forged Conſpiracy has been, I ſhall here add ſomething of *Sampſon's* Depoſition upon Oath before an *Alderman* of *London*; which may ſerve further to enlighten this Affair. He ſwears, *That* John Macknamarra *told him, that* Edward Ivey *and* Bryan Hayns *agreed together in* April *laſt, to ſwear Treaſon againſt the Earl of* Shaftſbury, *and that the Treaſon which they reſolved to ſwear, was, That the ſaid Earl ſhould ſay, That this King deſerved more to be dethroned than* Richard *the ſecond; and that he the ſaid Earl would dethrone the King, and make* England *a Common-Wealth; and that if the Bill againſt the Earl of* Shaftſbury *were once found, that then they with* Smith, Turbervil, *and others would ſwear Treaſon againſt many more.* And as we may be ſure, that the Villan's being a Papiſt, diſpoſed him the more readily to venture upon a Deſign which was judged ſo ſubſervient to the *Romiſh* Intereſt, ſo it were worth the while to inform the World with what Court-Miniſters, and little Officers he ſecretly correſponded all the time he pretended to abſcond. But as thoſe perſons muſt be left to ſuffer by Juſtice of a Parliament, ſo all the Diſcoveries relating to a cloſe Converſe between thoſe Gentlemen and *Hayns*, muſt be deferred till this whole matter fall under the Inſpection of the Two Houſes. But ſo zealous of a ſudden did the Raſcal become in ruining *Proteſtants* upon this forged Plot, That he not only *called the Parliament at* Oxford *a company of Rogues, becauſe they would give the King no Money; but that by doing* Shaftſbury *and other Proteſtants buſineſs, they would help him to Money out of the* Phanatiks *eſtates; for they would rather damn their Souls to the Devil, than that the Catholick Cauſe ſhould ſink.* If men did not chuſe the being impoſed upon, and were

Colledge's Trial, p. 44.

were not obſtinate againſt conviction, they might have been ſatisfied long ago, that there was no Truth nor Reality in all the talk and noiſe which we have had concerning a *Proteſtant* Plot; but that it is only the invention of ill men, inſtructed and acted by the *Papiſts*, for the retrieving the ſinking Cauſe and Intereſt of the Catholick Church in theſe Nations. And they have pitched upon Tools who are either wholly fearleſs of Damnation, or ſuch who upon a promiſe of Happineſs in this world, are reſolved to venture it. So that upon what hath been here with all Truth as well as Brevity repreſented concerning this Fellow *Haynes*, I hope that at leaſt all the ſober part of Mankind will ſee cauſe for juſtifying the late Jury in their not believing his Teſtimony. Nor have I inſiſted upon half the Crimes and groſs Immoralities of his Life, ſuch as his forging a Letter to one Mr. *Harbottle* of *Lincoln*, in order to cozen a Gentleman of Goods, to the value of 200 *l.* And his marrying one Mrs. *Mansfield*, and then turning her away, after he had lived divers years with her, and ſpent 500 *l.* which ſhe brought him, pretending ſhe was but his Whore, becauſe they were not married according to the Form of the Church of *England*, but after the *Romiſh* Faſhion; tho' he that is guilty of ſuch things ought not to be believed, unleſs the matter he ſwears carry a probability in it, or be rendred morally certain by Circumſtances which are either notorious, or otherwiſe confirmed. No inſtead of recounting ſuch Wickedneſſes and Immoralities, I have rather choſen to make him appear an infamous Raſcal, and one to whoſe *Affidavit* concerning a *Proteſtant* Plot no credit is to be given, by declaring his own acknowledgments of the whole Forgery, and upon what Motives and through whoſe Inſtigation he liſted himſelf for a Witneſs, and what was the

end which the Managers of this Deſign propoſed ultimately unto themſelves, & with reſpect to which they reckon'd the murdering of innocent men would be eſteem'd a holy and meritorious ſervice. And I ſhall only add to what hath been ſaid, That the wretch plainly contradicted himſelf in the face of the Court. *For being asked by the Jury, Whether he had not given an Information to a Juſtice of Peace, concerning ſome deſign againſt the Earl of* Shaftsbury, *he twice denied his having given ſuch an Information to any, ſave Secretary* Jenkins; *yet upon my Lord Chief Juſtice's telling him, that he did not obſerve the queſtion, and propoſing it again to him, he at laſt accknowledged, that he had given an Information to Sir* George Treby, *how Mr.* Fitz-Gerald *had both told the King, and given it under his hand, That the Earl of* Shaftsbury *was reſolved to ſet the Crown upon his own head, or otherwiſe, to turn the Kingdom into a Common wealth.* I wonder how their Lordſhips, and more eſpecially, how the Kings Council, who ſeemed to lay great weight upon his Teſtimony, could forbear bluſhing, to hear a fellow ſay, not only once, *That he had given ſuch an Information to none, ſave to Secretary* Jenkins, but to add a ſecond time, *No, no; to none except Secretary* Jenkins, and yet upon the hint which my Lord Chief Juſtice gave him, to acknowledg in the next breath, *That he had given ſuch an Information to Sir* George Treby. And tho' the Court might take no notice of this ſhameful contradiction, yet we may be ſure, that the Jury, as well as a great many Gentlemen beſides, did.

See Proceedings at the *Old Baily*, *p.* 44, 45.

Ibid.

The next perſon whom His Majeſties Learned Council at Law produced as a Witneſs of my Lord *Shaftsbury*'s being guilty

guilty of Treaſon againſt the King and his Government, and upon whoſe Teſtimony they not only *ſtak'd* the belief of a Proteſtant Plot, but ventur'd both the Honour of the Government, and their own Wiſdom and Diſcretion, was *John Macknamarra*, a fellow of the ſame ſtamp with the reſt and faſhioned in the ſame mould for the preſent Deſign. His early immoralities, as well as the ſtraitneſs and penury of his condition, gave not only the managers of this *Sham* againſt *Engliſh* Proteſtants, encouragement to aſſault him, but rendred him diſpoſed for, and capable of their impreſſions. For both *John Row* and *Francis Foulk*, Gentlemen of good Quality, and Juſtices of the Peace in the Kingdom of *Ireland*, do teſtifie, *That he was not only an idle, lying and pilfering boy, but that being put upon his Oath, concerning ſome goods which he was ſuſpected to have ſtollen from one of his Maſters Daughters, he denied to have taken them, when nevertheleſs, upon ſearch they were taken about him.* And his progreſs in Roguery, encreaſed anſwerably to his growth in years. For the ſame Gentlemen do not only declare, *That he and his brother* Dennis, *uſed frequently to bring Horſes to graze on* Camphaire *Bogg, which afterwards, upon enquiry, were found to be ſtollen from ſome remote places, but that his houſe was known to be the greateſt receptacle in the County of* Clare *for Rogues and Thieves.* And now finding himſelf in a Kingdom where he could not ſubſiſt by *Horſe-ſtealing*, nor take ſanctuary in Boggs when purſued, as he did in *Ireland*, he was glad to find ſuch a Trade ſet up, as a man might get both Money and Countenance, meerly for forſwearing himſelf, to relieve and advance the Catholick Cauſe. For that his condition was become extreamly neceſſitous, appears not only from the Petition which he and others preſented to the City for a maintenance, but is atteſted by divers, to whom in converſe, he every day complained

plained of it. And whereas he (as well as the reſt) doth pretend, That that Petition ſpake neither his Language nor Caſe, but was framed for them by others; particularly, *That* Colledg *was concerned in promoting that Petition, by my Lord* Shaftsbury's *advice*; and that *he neither read it, nor knew what was in it.* Mr. *Samſon* not only ſwears, *That he ſaw them dictate it to the Scrivener who drew it, but that* John Macknamarra *told him, how they intended to evade the ſtreſs laid upon it, for weakening the credit of their Teſtimony, by affirming, that it was made for them by the City.* And foraſmuch as this fellow being queſtioned by the Grand Jury at *Rous*'s Tryal, *how he was maintained, had the impudence to anſwer, That he did then rent a hundred pound* per annum *in* Ireland. That thing is altogether falſe, as is both atteſted by Mr. *Samſon* upon Oath, and confirmed by Letters and Informations from perſons in that Kingdom, who very well knew the Raſcal, and are themſelves of unqueſtionable Honour and Reputation. Such a ſtranger was *John Macknamarra* to the reality of a Proteſtant Plot, or the time when he pretends the Treaſonable words were ſpoken by that Noble Peer, that there are ſeveral perſons, whom all ſober men will give entire belief unto, who not only depoſe, That he uſed about that time to aver there was no ſuch thing, but that he alſo uſed to faſten very ſevere Characters upon ſuch as took upon them to ſay there was. For whereas he ſwears, That he heard the Earl of *Shaftsbury ſpeak ſuch and ſuch Traiterous words in* March *and* April *laſt*, Mr. *Wilmer* depoſeth, *That being in diſcourſe with* Macknamarra, *about the time that the Indictment was exhibited againſt my Lord* Howard, *the ſaid* Macknamarra *did*

See Proceeding at the *Old Baily*, p. 45.

Ibid, p. 44.

did affirm, that he knew nothing againſt any Proteſtant *in* England, *and that none would ſwear any Treaſonable Deſign againſt them but* David Fitzgerald *and his crew of damn'd ſhamming Raſcals, who would ſwear any thing.* And *Sampſon* informs upon Oath, *That about two days before* Macnamarra *went to* Oxford *to* Colledge's *Trial, the ſaid* Macnamarra *told him, that he knew the Deſign againſt* Proteſtants; *but ſwore* God *damn him, if he knew of any Treaſon by any* Proteſtants, *or knew of any Plot but the* Popiſh *Plot, or if he would ſwear to any ſuch thing.* And as we have all that is needful to convince every man, who is not either a Fool, and not capable of being inſtructed and undeceived; or elſe a Knave, who from corrupt Principiples and Motives, and in order to Villanous ends, is willing to be impoſed upon; that as *Macknamarra*, by his own manifold Confeſſions ſealed with Execrations and *Oaths*, knew of no Traiterous Deſign wherein either the Earl of *Shaftsbury* or any other *Proteſtant* was engaged or concerned; ſo we are fully acquainted with the methods and ways, and by what means he came to be ſeduced to appear as an Evidence againſt that Noble Peer, or to charge a Plot upon His Majeſty's *Proteſtant* Subjects. For he not only acknowledged to Mr. *Samuel Harris*, *ſhortly after the ſaid* Macnamarra *was bail'd out of* Newgate, *and alſo at divers times afterwards to Mr.* John Wilmer, *That Coll.* Warcup *had been with him, and earneſtly ſolicited him to come to* Whitehal, *telling him that he might have great advantages by ſo doing; and that the Juſtice ſpake this in ſuch a manner and way, as gave him reaſon to ſuſpect a Deſign of fruſtrating his Evidence againſt the* Papiſts, *and employing him in ſome very ill Deſign:* But he likewiſe confeſſed to Dr. *Oates*, Mr. *Thomas Pain*, Mr. *Samuel Bull*, and ſeveral others, *That* Warcup *had offered him ſeveral*

hundred

hundred pounds, if he would recant his Evidence againſt the Papiſts, *fall in with* Fitzgerald, *and ſwear Treaſon againſt the Earl of* Shaftsbury, *and other* Proteſtant *Lords and Gentlemen.* And ſo gainful did the *Juſtice* and theſe Gentlemen whoſe Purſes, and Treaſure, this grand Broker for, and principal director of the Witneſſes, hath the uſe and diſpoſal of for the ſervice of ſo good and neceſſary a ſervice, make the Trade of Perjury to this mercinary and ſuborn'd Raſcal, that he hath ſince not only lived at a high and extravagant rate, ſpending commonly as Mr. *Shewen* Depoſeth, *Eighteen ſhillings for his own ſhare at an Ordinary*, but he hath laugh'd and derided Mr. *Bourk*, *calling him in the hearing of* Mr. Samuel Chaffin, *a Fool, that he did not put himſelf into a condition of having Money enough, by cloſing with him and doing as others did.* And beſides that, Mr. *Brownrigg* Depoſeth, *How he ſaw two of the Witneſſes receive Money from* Chriſtopher Williams, *ſervant to Mr.* Marriot, *both for themſelves and other two of the Evidence-Tribe that were not there*; Mr. Shewen *informeth upon Oath, that having met* John Macknamarra *at the* Golden Poſts *by* Charing Croſs *on the Tenth of* Auguſt *laſt, and having asked him why he went ſo often to Sir* L. J. *houſe, the ſaid* Macknamarra *to intimate his buſineſs with that Gentleman, put his hand in his pocket and ſhook his money.* And as we have all the aſſurance imaginable, that this Raſcal *Macknamarra* and the reſt of the Witneſſes againſt *Proteſtants* were ſuborned by *Warcup*, ſo we have great reaſon to believe that they were not only countenanced, but from time to time taught and inſtructed by perſons of higher Quality than the *Juſtice* is. For Mr. *Shewen* ſwears, *That being on the* 11*th of* Auguſt *in company with* Smith *and* Macknamarra, *the ſaid* Macknamarra *told* Smith, *That the reaſon why he could not ſooner wait upon him that Morn-*

ings

ning, was becauſe he had been with Sir L. J. *who had given him a long Leſſon, which nevertheleſs he had learned, tho' it was very long.* To that height of Impudence and Villany was this Varlet arrived, through the encouragement and protection which he received from ſome great perſons, whom it would have better become to have employed their Authority and Power according to the Rules of Juſtice and Honour, that as if it had not been wicked and immodeſt enough to owne his being ſuborned himſelf, he made it his buſineſs to ſuborn others. For ſo much doth *Mowbray* Depoſe againſt him, who tho' he is become himſelf one of the Swearing *Gang*, yet his Teſtimony is not thereby weakned, but is rather the ſtronger, being againſt one of his *Complices*. To that Immodeſty and Inſolence was this mercinary audacious Wretch grown, that if a perſon did but decline the gratifying his covetous and inſatiable deſires, he was prepared immediately to Swear Treaſon againſt him. For Mr. *Chaffin* Depoſeth, *That he heard* John Macnamarra *ſay, He would Swear Treaſon againſt a Merchant in the City, if he would not give him ſuch a Sum of Money as he demanded of him.* Whether upon the whole, the original Authors and ſupreme Managers of this *Sham* expected to reap any honour to themſelves, or credit to the Conſpiracy which they would have father'd upon *Proteſtants*, from the reputation of this Witneſs, I cannot tell; but I think it is evident, from what hath been ſaid in relation to him, that no unbiaſſed perſons, nor wiſe and honeſt Juries, could have peace in themſelves, nor approve their actings to God and the world, ſhould they in the caſe before us give faith to this Fellow's Teſtimony. Nor would I have the Conductors of this malicious and forged Deſign againſt the Lives of innocent perſons think, but that as we Pro-

teſtants are very ſenſible, how unjuſtly and induſtriouſly they have been purſuing our ruin, ſo we are not ignorant of their treacherous and wicked carriage, from firſt to laſt, in this Affair. For let me tell them, That while they conceive they act behind a *Curtain*, they do but dance in a *net*. And while they imagine, that they remain ſafe through their ſtanding in the dark, they are both as well known, and their methods as fully underſtood, as if they had appeared and acted in a meridian light. And whenſoever it is a convenient time, there are thoſe in the world, that know how to repreſent them ſtript of the mask and diſguiſe under which they have gone.

The next Witneſs that ſtept up to give Evidence againſt the Earl of *Shaftsbury*, was *Dennis Macknamarra*, *John*'s true Brother in all Wickedneſs and Perjuries, as well as in Blood. For having acted in co-partnerſhip ſo long in the Horſe-ſtealing Trade, they were not to be ſeparated in this new *courſe* of Livelihood which was propoſed unto them, provided they would perjure themſelves, and ſwear Proteſtants guilty of a Plot. Nor is this a groundleſs ſurmiſe of mine; but Mr. *Samſon* hath depoſed upon Oath, That both he and others heard *Dennis Macknamarra* ſay, *That he would ſwear any thing that his Brother* John *would have him to ſwear*. And whoſoever acts implicitely upon the advice and command of ſuch a guide, ought to be eſteemed and judged of, according to the Principles and Practices of his Conducter. But beſides, the fellow was himſelf immediately tempted with promiſes both of a preſent Reward and a ſtanding Salary, if he would ſwear Treaſon againſt the Earl of *Shaftsbury*, and ſuch others as ſhould be named unto him; and the ſilly Raſcal wanting Wit, as well as Honeſty and Conſcience, became eaſily conquered by ſo ſuitable as well as great temptations. For the wretch knows no

Law,

Law but that of his belly, nor understands any more Sense or Reason, than what is declared in the offers of food and money. And we are assured by persons, whose integrity was never suspected, That *Dennis Macknamarra told them, he was profer'd great sums of money, to go off from his Evidence against the Papists, and to swear against Protestants.* This is directly and positively deposed against him by Dr. *Oats* and Mr. *Thomas Payne*, with this addition, *That Justice* Warcup *was the man who endeavoured to corrupt and suborn him.* And withal, he laid open to the *Dr.* the methods and steps in which the *Justice* did this base and villanous thing. And tho' the success of *Warcup*'s application to suborn him, be now evident in the effects of it, yet I shall give an account of it from *Dennis Macknamarra*'s own acknowledgment to Mr. *Peter Norris.* For Mr. *Norris* being in company with him, and representing that he wanted money, *Dennis Macknamarra* thereupon replied, *We are all Fools, for* David Fitz-Gerald *lives like a Prince, wanting neither Money nor Gold, while in the mean time, said he, we can hardly have bread; and damn me, said he, if we had done as he did at first, we had been better than we are; but damn me, we will do it yet;* and with that, the said *Dennis Macknamarra pulled a paper out of his pocket, and said, If Mr.* Norris *would set his Hand to that paper, he the said* Macknamarra *would warrant him they should do better.* But I shall not deduce, nor pursue what we have against him to any further length; for seeing this little fellow is no otherwise to be considered, than as an *Appendix* of his Brother, we may reasonably therefore hope, that the Credit of the one, as to the supporting the belief of a Protestant Plot, being blasted and overthrown, the Credit of the other runs the same destiny. The Reputation of the Accessary falls with that of the Principal. Yet what we have here offered from

his own acknowledgments, concerning his being ſuborned, is enough, ſhould he be weighed, as abſtracted from any dependance upon his Brother *John*, to render him, and make him appear to be no leſs in this whole matter, than a perjured and infamous Raſcal. And we pity our Adverſaries, as driven to very low ſhifts, in that they had no other to produce, to prove the chiefeſt men of *England* guilty of Treaſon, but ſuch fooliſh wretches as could neither conceal their own Mercinarineſs and Perjuries, nor the Villanies of thoſe who had ſubborn'd and corrupted them.

The next perſon whom the Managers of the Bill againſt the Earl of *Shaftsbury* thought fit to venture the Truth and Proof of the Charge againſt him upon, is *Edward Ivey*, one that is infamous to a very Proverb, and who diſgraceth the Name of a Gentleman, by pretending to the Title and Appellation. That he hath been Convicted and Condemned for Robbery, appears from the Certificate which I ſhall here ſubjoin.

Somerſet ſſ. *Ad Aſſiſas & General. Goal. Delibar. Dom. Regis de priſonet. in ea exiſtent. tent. apud Civit. Wellen. in & pro eadem Com. Die Sabbat. ſcil. Nono die* Auguſti. *Anno Regni Dom. noſt.* Caroli *Secund. Dei Grat.* Angl. Scot. Franc. Hibern. *Regis, Fidei Defenſor. Decimo quarto, coram* Roberto Foſter, Mil. *Capital. Juſtic. Dict. Dom. Regis ad placita, coram ipſo Rege tenend. aſſign. &* Johan. Archer *Servie. ad Legem Juſtic.* &c.

Whereas at this preſent Aſſizes, one Edward Ivey *was Indicted for robbing himſelf and his Siſter* Joan Plym-

Plympton; *This is therefore to certifie, that the ſaid* Edward Ivey *was Convicted for the ſame Fact, and had Sentence of Death paſſed upon him; but afterwards had His Majeſties Pardon.*

Vera Copia, ex. per
Fra. Stevens.

He that could be guilty in Robbing his own Siſter, will decline nothing that is Criminal, if the committing it be but ſubſervient to his Ambition or Covetouſneſs. For having violated the Obligations of Nature, he can be under no confinement from ſubordinate Laws. It were endleſs to recount the Enormities of his Life, whereof almoſt every Action hath been a Scandal: I ſhall therefore only detect thoſe Villanies which he hath perpetrated, to the rendring him infamous, as well as the proclaiming him prodigiouſly wicked. He was no ſooner pardoned for one *Felony*, but he committed *another*. For having liſted himſelf for a Trooper and gone to *Portſmouth*, he there married a *ſecond Wife*, tho' his *firſt* was ſtill living. And finding it was diſcovered, and that there was a Proſecution commencing againſt him, he thereupon fled to *Ireland*, being never heard of again in his own Country, till he appeared as one of the King's Evidence concerning a *Popiſh Plot*. For His Majeſty having promiſed in his Royal Proclamations, that whoſoever came in by ſuch a time to detect the Conſpiracy of the *Papiſts* againſt His Perſon and the Government, ſhould thereupon be pardoned; this cunning Raſcal thought with himſelf he might ſafely venture hither, as reckoning that his Felonies would be included in his Pardon as well as his Treaſons. To this I might add his having lived ſome time this laſt Summer

with

with a Woman, whom he ſwore God damn him he was Married unto, which Woman proved in the end to be another mans Wife, and was accordingly taken out of Bed from him by her Husband on the ſecond of *October* at Night. But whereas *He ſaid upon Oath at Mr.* Rouſe's *Trial, that he came not over to* England *to diſcover the* Popiſh Plot; it is not only known to all who underſtand any thing of the late Tranſactions, that this was his pretence, and that accordingly he made a large Diſcovery; but withal Mr. *Samſon* alſo ſwears, *There was twenty Pound allowed the ſaid* Ivey *by my Lord Lieutenant of* Ireland, *to defray his paſſage hither, in order to his revealing the Popiſh Plot.* Who can blame a fellow of his Principles, that hath a latitude to ſwear and forſwear as he finds it for his intereſt, if he diſclaim the having come hither upon an errand which he is ſo little thank'd for, and which is not likely to conduce ſo much to his profit as he imagined it would. The forming a *Proteſtant Plot*, and ſuborning others as well as coming in himſelf to ſwear Treaſon againſt the Earl of *Shaftsbury* and other Patriots of our Religion and Civil Liberties, is a deſign that will turn to better account and give him an eſteem with ſome men, beyond what ever the former dull Trade would have done. And therefore it is a fitter end, for one of his genius and ſtamp to bear himſelf upon as the grand motive of his Journey hither. But whereas *he Swore likewiſe the time when the Bill was preferred againſt* Rous, *that the Earl of* Shaftsbury *did uſually dictate to him the Information he drew up and Depoſed concerning the Popiſh Plot*; There are divers perſons, and amongſt others Mr. *Sampſon*, who do teſtifie they ſaw thoſe Informations in his hand, before ever he knew the Earl of *Shaftsbury*. And ſeeing *he further declared at the ſame time, that ſome Informations which he had given in*

here

here againſt the Papiſts *were wholy falſe; and that he made Oath of them only, becauſe Mr.* Rouſe *would not otherwiſe give any Money*, ought not all Mankind therefore to eſteem him as a Villain, and as one that is perjur'd upon Record. Nor could any thing more amaze the thinking part of Mankind, than that when this miſcreant had declared himſelf perjured in open Court, he ſhould yet be produced again the next Seſſions; and that againſt no leſs conſiderable perſon, than the right Honourable the Earl of *Shaftsbury* is. But whether we are to aſcribe it to exceſs of rage in ſome men againſt that Noble Peer, or whether we are to attribute it to a Divine infatuation, upon the Managers of the Bill of Indictment, I cannot tell; but I dare boldly ſay, That both the Jury, and hundreds in the Court beſides, were able to gueſs at the maliciouſneſs of that Proſecution, and to conclude within themſelves, That whatſoever was alledged to render that excellent Patriot guilty of Treaſon, was all forgery and groundleſs invention.

But that we may yet further expoſe this fellow *Ivey*, and that at the ſame time unveil this whole Combination, wherein ſome ill men have been engaged, in order to the Subverſion of our Liberties and Religion, or againſt the lives of the greateſt, and moſt innocent *Proteſtants*; I ſhall in the next place obſerve, that he both ſpake of ſuch a Deſign while it was in agitation and forming, and embark'd in it upon promiſes of Reward himſelf, but endeavoured to corrupt and ſuborn others to joyn in the ſame Villany. Accordingly Captain *Tarrington* informs, *That being one morning in bed at Mr.* Stephen Colledges, *he there heard Mr.* Ivey *acquaint Mr.* Colledg *with a Deſing that was then on foot, for framing of a Plot againſt* Proteſtants; *and that they were to be accuſed of a Conſpiracy againſt the Monarchy, and for depoſing the King.* And Mr. *John Jenks* depoſeth, *That*

Mr.

Mr. Ivey *confeſſed to him, how he had great offers made him, provided he would ſwear againſt* Proteſtants. And Mr. *Aſhlock* ſays, that *Ivy* one day told him, *He had been with the ſaid Lord, and that my Lord* Hyde *had order'd him to ſend at any time to him, and he ſhould have money.* And the ſaid *Aſhlock* further adds, *That he ſaw a Letter directed to my Lord* Hyde *from* Ivey, *which* Ivey *ſaid was for money.* Now that *Ivey* was neceſſitous, and the more likely to be ſuborned for money, to ſwear any thing that was falſe, appears not only by the Petition preſented to my *Lord Major*, the *Court* of *Aldermen*, and the *Common Council*, which he among others ſubſcribed; but more eſpecially from his own Teſtimony in Court, at the time when Mr. *Rowſe* was indicted; ſeeing he then owned, *That he had falſly ſworn ſuch things meerly, becauſe he could not otherwiſe get mony.* And that this *Proteſtant Plot* was hatched by this hired ſuborned Raſcal and others, who in order to promote the Intereſt and deſigns of the Papiſts, had combined to aſperſe Loyal Perſons with the imputation of Treaſon, and to make the chief Protectors under his Majeſty of our Religion and Liberties, periſh in the form and courſe of Juſtice, does appears by what Mr. *Sampſon* hath depoſed upon Oath, namely, *That* John Macknamarra *told him how he and* Ivey, *having been with the Earl of* Shaftsbury, *his Lordſhip had refuſed to diſcourſe with them alone, ſaying, He never diſcourſed with any but in the preſence of his Servants; and that I being thereupon very greatly diſguſted, contrived by way of Revenge, to ſwear High Treaſon againſt him.* Not but that the Deſign of accuſing my Lord *Shaftsbury* of Treaſon, was laid by others, but *Ivey* being ſuborned to be a Witneſs againſt him, he therefore ſought an opportunity of ſpeaking with his Lordſhip alone, the better to obtain what he ſhould afterwards ſay againſt him, to be believed.

ieved. However having upon ſome inſtigation or other entertain'd a Reſolution of ſwearing Treaſon againſt this Loyal and Noble Lord; his next buſineſs was to procure others to fortifie his Teſtimony, and ſecond him in whatſoever he ſhould ſay. Accordingly he applies to *Haynes*; *aſſuring him in the names of ſeveral Lords, That he ſhould not only have his pardon, but five hundred pounds, provided* (as Mrs. *Wingfield Haynes*'s Mother-in-Law, told Mrs. *Hall*, and *Mary Richards*) *he would faſten a Plot upon Proteſtants, and ſwear againſt ſeveral Lords.* Nay, Mr. *Zell* one of Juſtice *Warcups* preſent Darlings, and whoſe Teſtimony he ought not to decline againſt *Ivey*, having ſo lately made uſe of it in the Court of *Verge*, to vindicate himſelf; I ſay, this *Zell* hath depoſed upon Oath, *That* Ivey *would have perſwaded him to ſwear High Treaſon againſt the Earl of* Shaftsbury, *and by way of Argument to influence him to a compliance, told him, That the E. of* H. *my L.* H. *my L.* C. *and Mr.* S. *were a Commitee to give aſſurances of Pardons, and to allow Gratuites to all that would ſwear againſt that Lord, and that there is a* Preſbyterian Plot. And tho' I am not willing to believe thoſe great Miniſters guilty of this which *Zell* ſays *Ivey* reported of them, yet it is ſomething ſtrange, that knowing it from Prints as well as otherwiſe, they have not endeavoured to get that Rogue puniſhed for defaming of them. And I do verily think it would be as much for the Honour of the Government, and for the Reputation of theſe States-men, to have this fellow, and the reſt, who have uſed the like Language concerning them, either proſecuted by way of Action or Information; as it will prove in the iſſue that the *Attorney General* is proſecuting one *Baldwin* for having publiſhed a Book called *No Proteſtant Plot*; wherein ſo far as very good and wiſe men can ſee, there is not any thing

criminal; unleſs it be a Crime to detect the Deſigns of the Papiſts againſt *Proteſtants*, and to vindicate the innocency of thoſe, who (as it hath appeared by the verdicts of Juries) were falſly and unrighteouſly accuſed. But to return, I ſuppoſe from what hath been here declared, and laid open concerning *Ivey*, there will not many be found who are credible perſons themſelves, that will look upon him hereafter, as a credible Witneſs in reference to a *Proteſtant* Plot. Nor is the bringing the Lives of Innocents into hazard, upon the Teſtimony of a wretch branded with ſo many capital Offences, and who beſides hath been ſo evidently tamper'd with, to be any other way expiated or attoned for, but by bringing both him and his Abettors to condign puniſhment.

The laſt Witneſs made uſe towards the proving the Bill againſt the Earl of *Shaftsbury*, was *Bernard Dennis*, a fellow as lewd in his Morals as any of the reſt, and drawn and procured to be an Evidence againſt *Proteſtants*, by the ſame means and arts that they were. Nor is he only an *Iriſh* man, but of one of the moſt ſottiſh bigotted bloody *Clans*'s of all that Kingdom. And upon the beſt enquiry I can make, there is not one *Iriſh* man of his Name in that whole Nation, who is known to be a *Proteſtant*. I ſhould not have mentioned this, if the fellow upon being ask'd whether all his Kindred were not Papiſts, had not anſwered, *he could not ſay ſo*. And yet were he put to it, he will not be able to name one Perſon neither in the County where he was born, where he ſays *there are ſo many of them*, nor in the whole Country beſides, that is not a Papiſt, if withal they be not of the moſt violent and bloodily diſpoſed ſort.

See proceedings upon the Bill againſt the Earl of Shaft. p. 48.

Ibid. p. 32.

And

And whereas he once told Mr. *Wilmore* (they two being diſcourſing togetherabout the principles of the Papiſts), that the Papiſts *valued no more the life of a Heretick, than they did that of a Dog*, it is moſt probable, that he therein ſpake the Senſe of his Kindred, and publiſhed what they had of old infuſed into him. I will not enquire what Religion he is of at preſent, ſeeing no form nor kind of Religion can give him a Reputation, but he reflects diſhonour upon whatſoever Religion he doth profeſs. Only I wiſh, that the Papiſts have not *Sham'd* him upon the Church of *England*, that he may the better, and under the fairer name, Sham a Plot upon Proteſtants. And who knows, but finding a reſpect paid to his Teſtimony at the Tryal of my Lord *Stafford*, becauſe he there profeſſed himſelf a Papiſt, he might thereupon hope it would advantage him in being believed againſt a Proteſtant, by liſting himſelf in the Communion of the Proteſtant Church. The forgery of this Plot would have been too obvious, ſhould *Romiſh* Prieſts have come forth, as the principal Witneſſes, to prove the beſt Proteſtants in *England*, concerned in a Conſpiracy againſt His Majeſty and the Government; but the producing none for Evidence, but Members of our own Church, does help to hide and conceal the Villany. And I beg the rather pardon for my jealouſie in this matter, becauſe tho' he told the *Jury*, that he had been a Proteſtant ſince *February* laſt, yet he never ſought to be received into the boſom of the *Engliſh* Church, till about the month of *June*, which was near the time that the Mine which had been long before laid againſt Proteſtants, was juſt ready to ſpring. Nor were things ſo much better for the Proteſtant Intereſt, and worſe for the Popiſh in *February*, than they had been in *November* before, that a fellow who makes Religion always *Ibid p.47.*

ſubſervient to his ſafety and gain, and who had been a Papiſt in *November*, ſhould think of abandoning the Communion of the Church of *Rome*, for to be taken into the boſom and embraces of the Church of *England* in *February* following. But be he of what Religion ſoever he pleaſeth, I ſtill ſay, he is a wicked and flagitious fellow. For whereas he acknowledgeth, that in the courſe of his Travels, he had been in *Maryland*, as well as in divers other Countries, he muſt give us leave to remember himſelf of, and acquaint the world with a good token of it. For beſides ſeveral Debaucheries, and leſſer enormities he was guilty of there, he was apprehended not only *for felony, in ſtealing a Watch, but for Sacriledg, in breaking into a Church and carrying away the Communion Plate.* But being I grow weary in raking ſo long in *Sinks* and *Kennels*, I ſhall therefore wave the inſiſting upon theſe things, or the deducing them to any further length. Since he came hither, he hath been always extreamly neceſſitous, but never in greater penury, than immediately before he ſtarted up a Witneſs in this new Plot. For as he wanted bread, otherwiſe than as he was from day to day relieved by the Charity of ſuch compaſſionate perſons, to whom he bewailed the miſerableneſs of his condition, ſo I have heard from a good hand, that being arreſted for *Fifteen* or *Seventeen ſhillings*, he was ſo poor, that he muſt have gone to the *Counter*, if a Gentleman that paſſed by had not out of meer pity ſent him a *Guinee* to diſcharge the Debt and the Serjeants Fees. And how eaſie was it to corrupt and ſuborn ſuch a fellow, who as he had no Principles of Vertue or Honour, to preſerve him againſt the temptations wherewith he was aſſaulted, ſo the pinching wants, under which he laboured, rendred him a prey to any that would hire him with ready money, or give him any aſſurance of a plentiful ſubſiſtence. Now it

not

not only appears from the Teſtimony of Dr. *Oats*, Mr. *Boulter*, Mrs. *Mary Cox*, Mrs. *Norton*, and divers others, that by his own acknowledgment and confeſſion to them, *both* Warcup *and* Fitz-Gerald *had tempted him with great offers of Gold and Silver, if he would depart from his Evidence againſt the Papiſts, and ſwear Treaſon againſt the Earl of* Shaftsbury, *my Lord* Howard, *and ſeveral other Proteſtants, but it is likewiſe depoſed by Mr.* Samuel Oats, *that* Dennis *ſhould ſay, If the Proteſtants did not help him to money, it would cauſe him to do that which he never intended.* But what need I inſiſt upon the Depoſitions of others, in proof, that he had frequently confeſſed his being tempted with tenders of great matters, to retract what he had ſworn againſt the Papiſts, and ſwear, that the Proteſtants were embarkt in a Conſpiracy againſt the King, *ſeeing he himſelf hath depoſed all this upon Oath before Sir* Patience Ward, *when he was Lord Mayor.* Aud as this may fully convince all that are not in the Plot themſelves, for the deſtroying ſuch as are the chief Bulwarks, under His Majeſty, of our Religion and Liberties, that whatſoever this fellow hath ſworn againſt the Earl of *Shaftsbury*, or any Proteſtant elſe, is all meer Fiction, *Romance*, and abominable Forgery, ſo we have beſides all this, the Teſtimony both of Dr. *Oats* and Captain *Tarrington*, That this wretch *did proteſt unto them, at the very time when he told them of his being tempted, that before God, he knew nothing whereof to accuſe any Proteſtant in the world; and that if he ſhould do any ſuch thing, he ſhould be the greateſt Rogue under Heaven.* And as their way of living ſince, and their boaſting, of having their Pockets full of money, does plainly proclaim to all Mankind, upon what motives they have perjured themſelves, and how well they have been rewarded for their falſe ſwearing, ſo there is one *George Dennis*, a *Gardiner*, who de-

deposeth, *That to his knowledg, the Witnesses who swore against the Earl of* Shaftsbury, *had an Hundred, or an Hundred and Fifty Pound a man for so doing; and that he might have had as much, if he would have Sworn against the said Earl.* Having thus truely and briefly drawn and represented the Witnesses according to their just and true Features, and having fully discovered the Combination which they and others are engaged in against our Lives and Religion, and having particularly detected how these mercinary Wretches have been hired and suborned to swear a Plot upon *Protestants*, which themselves and their Abettors have out of hatred to the *Protestant* Religion and *English* Liberties invented and forged against innocent persons: I shall now leave them thus shown and exposed, to undergo the punishments which these unparallel'd Villainies subject them unto; and in the mean time till the Administrators of publick Justice shall esteem it their Duty and for the honour of the Government, to make their Punishment as exemplar, as their Crimes have been; I do here set them up as proper objects of the abhorrency and detestation of mankind, and persons not worthy to be believed by any honest rational *Jury* or *Inquest*. And I shall only add, that the late *Grand Jury*, instead of deserving to be censured for returning an *Ignoramus* upon the *Bills* which these Miscreants swore unto, they are rather to be blam'd for not immediately Indicting them of a Conspiracy against the Lives and Honour of Noble and Guiltless Persons. Nor is it enough for a *Grand Jury* merely to reject a *Bill*, which they find promoted from Malice, and upon a Combination; but they are bound, both by the Laws of God and the Laws of the Land, to Indict the Conspirators and all such as shall appear to have abetted them. And whereas we have

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not only heard of ſeveral other Witneſſes, who either had or were ready to Swear Treaſon againſt the Earl of *Shaftsbury*, but have been told, that ſeveral of their Names had been endorſed on the back of the *Bill* which was preferred againſt his Lordſhip, who yet upon ſecond thoughts were blotted out and expunged. We ſhall only ſay, that we think it needleſs to attempt the expoſing of thoſe, whom the Managers themſelves judged ſo infamous, that they were aſhamed to make uſe of them. But as we may be ſure that they produced all theſe, whoſe Credit they could in any degree rely upon, ſo had they brought an hundred more, whom we might neither have known, nor had opportunity to enquire after, yet finding them in conjunction with ſuch infamous Villains as theſe we have named, it had been a moſt unreaſonable, unjuſt, and unwiſe thing to believe them. But can any man take Mrs. *Tereſia Peacock* to be a credible Witneſs, who beſides her being a more common Proſtitute than any in the publick Stews, was found to be a falſe and perjured *huſſey* in the Depoſition which ſhe gave againſt My Lord *Howard*, before the Grand Jury at *Weſtminſter*, the laſt *Midſummer* Term. For whereas her *Miſtreſs* and *ſhe* had Sworn Treaſon againſt that *Noble Lord*, and accorded in every particular whilſt they were together; they plainly contradicted each other, when they once came to be examined apart. For the *Miſtriſs* being ask'd how her *Maid* came to hear My Lord *Howard* ſpeak the Treaſonable words which were Sworn and Depoſed, replied, that the *Wench* had arrived at the knowledg of them, by ſtanding and hearkning behind a door; but the ſame Queſtion being propoſed to Mrs. *Tereſia*, ſhe affirmed ſhe was as much truſted by my Lord, as Mrs. *Fitz-Harris* her ſelf; and that *he* had ſaid ſo and ſo to her, purſuant of the intimacy

which

which ſhe had with him, and the confidence which he placed in her. Which as it was an uncontroulable Evidence of her having perjur'd her ſelf, ſo it was a happy means of diſcovering the Conſpiracy againſt the Life of that wiſe and generous Lord. And for *David Fitz-Gerald*, there are not only an hundred Teſtimonies againſt him, to render him the moſt profligate and infamous perſon alive; but the very Witneſſes which were produced in Court againſt the Earl of *Shaftsbury*, have teſtifiſed to ſeveral of His Majeſties Juſtices upon Oath, how he had tampered with them, and what pains he had taken to ſuborn them. So that I may boldly ſay, the Managers of this *Intrigue* are liable to be called to account for not proſecuting *Fitz-Gerald* on the Depoſitions of thoſe, upon whoſe Teſtimony they took the boldneſs to Indict this Great and Noble Peer. And whereas there is one Sir *James Hayes*, who upon his ſwearing againſt Mr. *Wilſon*, had been repreſented to the world in more modeſt terms than he deſerves, that nevertheleſs hath had the confidence to vindicate himſelf in a publick *Intellegence*, from the Crimes which had been charged upon him. I do therefore affirm, that he was not only guilty of all the Villanies whereof he was there accuſed, but that there are many more Rogueries chargeable upon him, than were there mentioned. *For beſides his having been heretofore in the* Kings Bench, *for Knavery and Debt, and his being neceſſitated at preſent to conceal himſelf from his Creditors; and his having been reduced to ſuch neceſſities, as to receive two pence of* Mr. Peter *the Chyrurgeon by way of relief; I ſay beſides all this, he is not only known to have been one of that Fellowſhip at the* Mews, *which was called the* Black-guard, *and to have cheated divers Tradeſmen in*

No Proteſtant Plot, part 2. p. 11, 12.

and

and about the City, of Goods to a considerable value; and to have been assistant to Norton, *in selling the Privy Garden at* Whitehall, *by a false Patent, to a Carpenter to build upon; but to have drawn several Bills of Exchange, to the value of Four or Five hundred pounds, on Mr.* Roger Moor, *Merchant in* Dublin, *for such sums of money, received of Mr.* Henry Crook *and Mr.* James Wale, *here in* London, *which Bills were all returned protested.* In the mean time, let no man think, that this base and profligate fellow, is the Sir *James Hays* who belonged to Prince *Rupert*, and who hath married the Lady *Falkland*, seeing this worthy Gentleman is a person of more Honour and Integrity, than to fall under a suspicion of doing any thing that is ill. And as they, whom I have mentioned, are the Witnesses whom some wise men thought fit to have concealed, when the rest that pretend to swear a *Protestant Plot*, were called forth, and produced upon the publick Stage, so whether the Directors and Managers of this Intrigue, do only reserve them till the much desired season of having Juries who will act implicetly, or such at least, as will prove more favourable to the Design; or whether they have chosen to lay them wholly aside, as being really ashamed of them, I cannot tell. But so secure are we of our own Innocency, and so much above the aspersions of such vile Miscreants, that we neither envy our Enemies the having a thousand of them, nor think either our Lives endangered, or our Reputations lessened, through being sworn against by persons stigmatized and branded as they are.

And whereas there are some, either so silly or so knavish, as to say, that by weakning the Credit of the Evidence, concerning a *Protestant Plot*, we do thereby supplant, and in Sir *George Jefferies* Phrase, *trip up the heels of all* See *Colledg*'s Tryal, p. 91.

the Evidence and Diſcovery of a Popiſh Plot; we preſume to ſay, that they are greatly miſtaken; and that tho' they may be ſo fooliſh, as to believe ſuch a thing themſelves, yet they will find it difficult to impoſe ſo ridiculous a Deduction and Inference upon the Thinking and Rational part of Mankind. For this Sham Conſpiracy, contrived and carried on by the Papiſts means againſt Proteſtants, is both a moſt convincing Evidence of the reality of a *Popiſh Plot*, and that there are ſome people intereſted in it, which before we were not aware of. Nor was this Deſign of bringing Proteſtants under the ſuſpicion of Treaſon againſt His Majeſty and the Government, thought of, or undertaken upon any other or leſſer account, but in order to protect and defend themſelves from the puniſhments which they know they were juſtly obnoxious unto, for their own Treaſons. And had the Papiſts been guilty of no other Plot againſt us before, this alone is enough to tell us, how implacably they purſue our ruine. Yea, we could ſooner pardon their attempting to cut our Throats by way of a Maſſacre, than their endeavouring to deſtroy us in a courſe of Law, by accuſing us of forged and ſuborned Crimes. But beſides, the *Popiſh Plot* remains confirmed many other ways, than by the Oral Teſtimony and Depoſition of Witneſſes. Do not *Coleman*'s Letters effectually prove it, whereof, not only that directed to the Pope's *Nuncio*, and bearing Date, *Aug.* 21. 1674. ſays, *That they had great Deſigns in agitation, and worthy the conſideration of the Nuncio's Friends, and to be ſupported with all their power; wherein ſays Mr.* Coleman, *we doubt not but to ſucceed, and it may be, to the utter ruin of the Proteſtant party, if you joyn with us in good earneſt, and cordially ſecond our enterpriſes*: but in that directed to Father *le Cheiſe*, he further tells us, *That they had undertaken a great work, being noleſs than the entire ſubver-*

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ſion of that Hereſie which had for ſo long a time rul'd over this Northern *part of the world.* And is not the murdering of Sir *Edmond-bury Godfrey*, both an indiſputable Evidence, that there was a Popiſh Plot, and that their deſtroying him, was meerly to prevent the diſcovery of their deſign for deſtroying us? Yea, what any pretended to diſcover of that Plot, was ſo agreeable to Popiſh Principles, and did ſo correſpond with the preparations that we had obſerved them to be making for many years, that were there not one Witneſs alive, we could demonſtrate the truth of a Popiſh Conſpiracy, from Matters, Facts, and ſuch Tranſactions which were obvious. And as the fellows who have been ſuborned to ſwear againſt Proteſtants, were not the Original Diſcoverers of the Popiſh Plot, ſo Dr. *Oats*, who did firſt detect and reveal that Helliſh Conſpiracy, is both forth-coming, and remains able to ſupport and maintain what he hath depoſed. And without doubt, his Teſtimony will have a greater Reputation than ever, by his withſtanding the many and great offers whereby he was tempted to ſwear Treaſon againſt Proteſtants. For his ſcorning to be brib'd to ſwear againſt us, is a moſt convincing Argument, that what he ſwore againſt the *Papiſts*, was not a Fiction of his own, invented upon Deſign of getting money and preferment. Nor is it to be thought, that they who make it their buſineſs to diſparage Dr. *Oats*, and to leſſen his Reputation, ſhould be either careful about the maintaining the belief of a Popiſh Plot, or of ſuſtaining the Credit of the Witneſſes, in order to their continuing Good Evidence in the buſineſs of the Popiſh Conſpiracy.

And whereas there are others, and ſome of them not only men of Quality, but Wit, who ſay, That the Witneſſes having been believed againſt the *Papiſts*, they ought

alſo to be believed againſt *Proteſtants*; ſeing, as they are pleaſed to expreſs it, *What is ſawce for a Gooſe is alſo ſawce for a Gander:* I reply, that if Paſſion, Prejudice and Envy would give theſe men leave to think coherently, as all ſober men uſe to do, they would ſoon find ſuch a diſparity and difference in theſe two caſes, that there is no reaſon they ſhould be credited againſt *Proteſtants*, becauſe Faith was given to their Teſtimony when they ſwore againſt the *Papiſts*. For it is one thing to be admitted into the hidden Machinations and Deſigns of Prieſts, who were their Confeſſors, had the direction of their Conſciences, and with whom they had been long and familiarly acquainted, and another thing to be made privy to the moſt important and hazardous Secrets of perſons with whom they they never had any intimacy, and to whom they never ſpake, unleſs it were either concerning what they pretended to know of the *Popiſh Plot*, or in reference to their getting bread and ſuſtenance allowed them. Surely there is a great diſparity betwixt their being believed about matters communicated unto them, before they were known to have deceived thoſe that had put confidence in them; and their being believed concerning Deſigns, which they ſay were truſted with them, after all the world knew how they had diſcovered and betrayed their antient Friends who did rely upon them. Nor is there any *parity* betwixt the giving credit to men about an affair where both the Matter that is ſworn, and the Circumſtances by which it is enforced, do demonſtrate the truth and reality of what is Depoſed; and the receiving their Teſtimony concerning a buſineſs that is full of Contradictions and moral impoſſibilities. Nay, it is one thing to believe a man concerning a thing, the doing whereof was agreeable to the Principles which he profeſſed, and for the conceal-

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ling of which he was under an Oath of Secrecy; and another thing to believe him about a matter that was forbidden by the Religion both of thoſe that are ſaid to have truſted him, and which Religion himſelf had eſpouſed, becauſe it did prohibit ſuch Villanies, and for the concealing whereof he was never brought under any ties and obligations. No perſon that hath not abjured Honeſty and common ſenſe, but muſt needs acknowledg that there is a great difference betwixt admitting the Teſtimony of one, who no ways appears to be tampered with, and allowing ſuch an one's Depoſition for legal and true, who is known to have been hired and ſuborned. So that upon the whole, we *ſhall finde Sawce for their Gooſe*, but in the mean time we defie them *to find ſawce for their Gander*. Nor is it equal, that becauſe theſe Witneſſes have been believed about a *Popiſh Plot*, whereof we are furniſhed with an hundred Evidences beſides their Teſtimony; that they ſhould therefore be believed in reference to a *Proteſtant Conſpiracy* againſt His Majeſty and the Monarchy, whereof we have no footſtep nor ſymptome, but muſt take it upon their mere *Affidavit*.

Having now conſider'd the quality and the credibility of the Witneſſes, we are in the next place to weigh & ponder the matter which they Depoſed and Swore. And if our Underſtanding and Reaſon do not deceive us, we ſhall make the whole Forgery palpable, from what they have taken upon them to ſay againſt the Earl of *Shaftsbury*; tho' there were no antecedent Reaſons for the bringing their credit as to this affair into Suſpicion. For if a buſineſs Depoſed be either contradictory to it ſelf, or morally impoſſible, or in the principal ſtrokes and lines of it contrary to the univerſal knowledg of the Nation, or doth interfere with the indelible Principles of the party that is

accuſed,

accuſed, or be found to thwart the Paſſions and Reſentments which he is ſuppoſed to be ſwayed by, the Forgery does thereby become as obvious to all thinking people, as if they had been preſent at the *Conſults* and *Cabals* where the things to be Sworn were deviſed, invented and laid. Nor is it unworthy of our Obſervation, that tho' the Treaſon which they are pleaſed to ſwear and declare, be both ſo horrid in it ſelf, and importing ſo great danger to His Majeſty's perſon, yet they did not immediately reveal it as became them to have done. *Bracton* Lib. 3. cap. 3. ſays, *That he who doth not diſcover Treaſon with all the expedition imaginable, after it once comes to his knowledg, ſhall not be heard or allowed as a Witneſs, if he come to diſcover it afterwards. Si ad tempus diſſimulaverit & ſubticuerit*, &c. *& poſt intervallum accuſare velit, non erit de jure audiendus, niſi docere poterit ſe fuiſſe juſtis rationibus impeditum.* Now all the Witneſſes againſt the Earl of *Shaftsbury* acknowledg their concealing the Treaſon for ſeveral Months, which they came in at laſt to accuſe him of. And when we conſider how much the King's Life, Crown and Dignity were in hazard, if that be true which they Depoſe, we cannot but judg of the Witneſſes as a company of Diſloyal Raſcals, and that it was not from Principles of Loyalty, nor from a ſenſe of their Duty, that they were brought at laſt to make this Diſcovery. Nay their concealing it without any juſt and reaſonable cauſe ſo long, is more than a preſumption that this Conſpiracy, wherewith they charge this Noble Peer and other great and worthy Proteſtants, is nothing but a late Forgery of their own, and that they take upon them to detect vvhat never really vvas, upon the Subornation of others, and for the accompliſhing ſome baſe, mercinary and villanous ends. Nor can there be

be a clearer proof of the Folly of theſe Fellovvs and the Falſhood of vvhat they ſvvear, than that ſome of them repreſent themſelves to have diſcourſed all the while with the greateſt Loyalty, when in the mean time they introduce My Lord ſpeaking Treaſon at every word. We muſt ſuppoſe that man diſtracted, who ſhould continue ſpeaking Treaſon for half an hour together, when in the *Interim* all the Anſwers and Replies of the perſon with whom he is diſcourſing, do manifeſt a firm and ſteddy Allegiance to the King. *Smith*'s pretending to have ſpoken with ſo much Caution and Circumſpection, while as he ſwears, The Earl of *Shaftsbury* talk'd nothing but Treaſon, betrays not only the folly of the wretch, but plainly ſhews, that whatſoever he ſwore againſt that Noble Peer, was falſe, and either forged by himſelf, or dictated unto him by ſuch as had hired and ſuborned him. Yea, all that they depoſed, appears plainly to be *Falſe* and *Romance*, in that the perſons whom they pretend to have been preſent when the Earl of *Shaftsbury* ſpake ſuch Traiterous vvords againſt His Majeſty and the Government, do poſitively aver, that there vvas not ſo much as one ſyllable of all that ſaid, vvhich theſe Miſcreants have ſvvorn. *For whereas* Dennis *affirms, that Major* Manley *was in the Room, when my Lord told the ſaid* Dennis, *That they did really intend to have* England *under a Common-wealth; and that his Lordſhip deſired* Dennis *to adviſe thoſe of his Name, and ſuch as were his Friends in* Ireland, *to be in a readineſs to aſſiſt the Common-wealth of* England: *Major* Manley *indeed acknowledgeth his being preſent at that time, when* Dennis *was with the Earl of* Shaftſbury, *but withal he*

See Proceedings at the Old-Baily, *p.* 24, 25.

Proceedings at the *Old Baily*, p. 31, 32.

is ready to ſwear, That my Lord ſpake not one word to him, except the asking him with ſome ſeeming paſſion and heat, what his buſineſs was? And foraſmuch as *Booth* depoſeth upon Oath, *That Captain* Wilkinſon *was ſeveral times by, when my Lord* Shaftsbury *diſcourſed to the purpoſe that that Miſcreant ſwore; and particularly, that the buſineſs about the Fifty men who were to be my Lord* Shaftsbury's *Guard, was tranſacted before the Captain* this Honeſt and Loyal Gentleman peremptorily affirms, That he vvas never at the Earl of *Shaftsbury*'s vvith *Booth* but once, and that in the hearing and preſence of Sir *Peter Colliton*, and that the vvhole diſcourſe vvas about their going to *Carolina*. The falſehood of the vvhole matter, vvhich the Witneſſes have depoſed againſt the Earl of *Shaftsbury*, is evidently detected and diſcovered by this, that vvhereas one of the Witneſſes pretends to have communicated the Treaſonable deſign vvhich my Lord had acquainted him vvith, that very night vvhich he heard it, to a *Club*, or *Society* of Gentlemen, at the *Queens Arms* in *Newgate ſtreet*; all theſe Worthy and truly Loyal Gentlemen, do poſitively and unanimouſly affirm, that there vvas no ſuch thing either mentioned at that time, or at any other ſeaſon diſcovered unto them. For vvhereas *Smith* ſvvears, *That my Lord* Shaftſbury *having told him, the King did walk in the ſame ſteps which his Father did, and would never be quiet, till he came to his Fathers end: and that thereupon, he the ſaid* Smith, *came immediately and acquainted theſe Gentlemen with it, who were met at the Queens Arms*, they do all ſolemnly profeſs, there was no ſuch thing; and that *Smith* is a forſworn and perjur'd Raſcal in ſaying ſo. However, here was a Train laid for the Lives of all thoſe Worthy and Loyal perſons, could the vvretch have obtained

See Proceedings at the *Old Baily*, p. 25.

Credit

Credit with the *Jury*, as to what he Depoſed againſt My *Lord*. And whereas *Smith* further ſays the Earl of *Shaftſbury* told him, (that Evening which Major *Manley* brought him from the *Club* at the *Queens-Arms* to *Thanet*-houſe) *The King pamper'd* Fitz-Gerald *to ſtifle the Plot in* Ireland, *and that he was as well ſatisfied with the coming in of* Popery *as the Duke of* York; *and that the Parliament was ſatisfied he was as much for it as his Brother*; (for ſo the Wretch ſwore in Court, tho' the laſt words be left out in the Print) all this, I ſay, is feigned and invented, ſeeing Major *Manley*, who was preſent and by all that time (albeit *Smith* concealed that upon the giving his Evidence) is ready to Depoſe upon Oath, that there was not one Syllable ſpoken by my *Lord* to the purpoſe which this Miſcreant ſwears. Let us add to this, *Hayns*'s Depoſing, *That he had a long diſcourſe with the Earl of* Shaftsbury *at a Cooks in* Ironmonger-lane, *in a little Room next the Kitchin*, (where by the way, that laſt expreſſion is left out in the Print) and we ſhall find this whole Forgery ſtill more obvious and palpable. For as My Lord was never there, except when he dined with divers Noble and Worthy Perſons: So beſides the improbability of his leaving the company and ſociety of men of the beſt Quality in *England*, to come and talk with ſuch a Fellow as *Hayns*, and beſides the abſurdneſs that is in ſuppoſing the Earl of *Shaftsbury* to have ſtaid an hour in a little Room by a Cook's Kitchin; not only the Servants of the houſe do poſitively affirm the contrary of all that this Raſcal ſwears, but divers Noble Perſons are ready to teſtifie that the Earl of *Shaftsbury* never came down ſtairs out of the great Room, till he was going away, and that he took Coach immediately, without withdrawing into any Room be-

Ibid.

Ibid.

low. But that which is extravagant beyond all imagination, and which proclaims to every wise man the falshood of all they have sworn, is *Hayns*'s deposing, *That the Earl of* Shaftsbury *should not only say, There are Families in* England *which have as much pretence to the Crown as the King; but that the Duke of* Buckingham *hath in Right of his Mother as good a Title to the Crown, as ever any* Steward *had.* Is it not enough to introduce the Earl of *Shaftsbury* talking Treasonably, but he must be likewise exposed as talking ridiculously? Surely the Superintenders and Managers of this Plot, in the guilt whereof they would involve *Protestants*, must either be of very weak Understandings themselves, or they must apprehend the generality of Mankind to be so, otherwise they could never hope to impose upon the world by such nonsensical stuff as this is. For besides that no man knows of any Title whereby the Duke of *Buckingham* can pretend to the Crown, the Right of claiming by his Mother, as sprung from the *Plantagenets*, being altogether groundless; so there is not so sublime a Friendship between my Lord *Shaftsbury* and the Duke of *Buckingham*, as that for advancing the Duke to the Throne, my Lord should not only venture his own life & fortune, but disoblige the best Friends he hath in the Nation, and entangle his native Country in Civil War. This misadventure in the Testimony of one of the most considerable Witnesses, betrays not only their Folly, but that the whole Plot, whereof the Earl of *Shaftsbury* hath been accused, is a malicious Forgery, in order to take away the Life of that innocent Peer. Nor can any, who are not willing to sacrifice the *Protestant* Religion, the Liberties of their Country, and the Lives of Guiltless Persons to the Hatred and Rage of the *Papists*, give any Credit to Fellows,

Ibid. p. 27.

lows, who Swear at ſo Wilde and Nonſenſical a rate. Had the Mercinary vvretches deſigned to publiſh themſelves for *Liars* and *Impoſtors* to all the vvorld, they could not have taken a more effectual vvay to do it, than by affirming, that the Earl of *Shaftsbury* ſhould be deſirous to enter into a Combination and Conſpiracy vvith *Iriſh* Papiſts, in order to prevent a Popiſh Succeſſor, and for preſerving the Proteſtant Religion. For at the ſame time that *Dennis* chargeth this Noble Perſon vvith ſaying, *That he would extirpate the King and all his Family*, *he ſwears, That he deſired him to write to his Iriſh Popiſh Friends, to be ready to aſſiſt.* And tho' I do not much vvonder to find a *Caitiff* of the ſize of *Dennis*'s Wit and Underſtanding, ſwear a buſineſs vvhich diſproveth it ſelf before all Wiſe and Rational perſons; yet I cannot forbear marvelling, that they vvho vievv'd the Depoſitions, and vvere to gloſs and enforce the Evidence, vvould ſuffer ſuch a Depoſition to appear upon the publick Stage, vvhich vvould not only make the Forgery notorious, but infallibly expoſe themſelves, as well as the perjur'd Rogues, to the laughter, ſcorn and deteſtation of mankind. Nor is it unworthy of remark, that in the expreſſions which they ſwear my Lord *Shaftsbury* uſed, they make him not only forget the Loyalty of a Subject, but the Civility and Breeding of a Gentleman. For the *Terms* wherein they repreſent him ſpeaking of the King, are beſides their being Treaſonable, too rude to proceed from any that knows the meaſures of Civility, or hath been occaſioned to ſpeak with any kind of *Decorum*. For not only *Macknamarra* introduceth him calling the King, *a Faithleſs Perſon, and one that was no way to be believed:* But *Haynes* will have him both to ſay, *That the*

Ubi ſupra, p. 32.

Ibid. p. 28. p. 43. p. 27. *King had no more Religion than a Horſe, and that he was degenerated into a perfect Beaſt, and that he durſt as ſoon be hang'd, as to meddle with the ſaid* Haynes, *if he ſtuck to his Information about Sir* Edmond-bury Godfrey's *Murder.* This is a *Dialect* proper for ſuch Raſcals as the Witneſſes to uſe; but it is not a Stile that men of Quality are accuſtomed unto, or can allow themſelves to ſpeak in. For how much ſoever they may be offended with the ways and methods of Princes, yet they conſtantly ſpeak of their Perſons with Reſpect and Deference. Whether are we to eſteem it a Subject fit for our mirth and laughter, or for our diſguſt and indignation, to ſee a Fellow appear at a *Bar*, againſt a Great and Wiſe Peer, and among other Treaſonable Expreſſions, whereof he accuſeth him, to ſwear, That the ſaid *Lord* put a greater Reſpect and Valuation upon him, than he did upon the King himſelf? *Haynes* having ſent to the Earl of *Shaftsbury*, and ſeveral other Noble Perſons, That he would make conſiderable Diſcoveries, if they would procure him a Pardon, the Raſcal ſwears, That being in Diſcourſe with my Lord *Shaftsbury* about that matter, my Lord ſhould ſay, *If the King would not grant the Pardon for him, that was deſired, they would* Ibid. p. 27. *raiſe the whole Kingdom againſt him; and that he muſt not expect to live peaceably in his Throne, if he did not grant it.* For not to inſiſt on this, That the Earl of *Shaftsbury* never ſpake with *Haynes*, nor would not ſo much as ſee him, both which will be proved as far as Negatives are capable, can any man that hath not renounced Senſe as well as Conſcience, believe that the Earl of *Shaftsbury* would put the Life of the King, and the Peace of the Kingdom in competition with *Haynes*'s being pardoned or not pardoned? For ſuppoſe that the Fellow

low undertook to make very uſeful and important Diſcoveries, provided he might have a Pardon; yet we muſt be Bruits, before we can be perſwaded, that a perſon of Prudence and Conduct ſhould, in caſe a pitiful wretch were not ſecured againſt the danger of the Gallows to which he ſtood obnoxious, threaten not only to dethrone a Monarch, to whom he lies under many Obligations, beſides thoſe of Fealty, but to hurl a quiet and peaceable Nation into War and Blood. And as if it were not enough for theſe ſilly, as well as malicious wretches, to make my Lord *Shaftsbury* ſay a Thouſand things which are equally Ridiculous and abſurd as they are Treaſonable, they will have him to have talk'd of matters ready to be done; which being duly weighed, will be found to have been morally impoſſible. For ſo is all that is ſworn againſt him, concerning a Deſign to ſeize the King at *Oxford*, where he was not only ſurrounded with his Guards, but, as our Enemies muſt acknowledg, environed with many Loyal Peers and Gentlemen. Nor are we told of any preparations that were ſuitable to an undertaking which was ſo difficult in it ſelf, and which would be extreamly fatal to the Authors, if it miſcarried. For whereas they depoſe, *That my Lord told them, the Members came well Horſed and well Armed*, the whole Kingdom knows the contrary. Some of the Members went ſo ill attended, as that they were not in a condition to ſecure themſelves from being Rob'd by the way. And divers of the moſt *Martial* perſons in the *Oxford* Houſe of *Commons*, went thither in *Hackney Coaches*, with ſcarce a Servant a peice to wait upon them. Yea, this very *Earl*, who is ſaid not only to have projected the ſeizing the King at *Oxford*, but to have correſponded with others, in order to their coming provided thither with ſtrength and force, for

Smith, *p.* 26.

for the accompliſhing of it, had neither Coach nor Horſe there himſelf. So ignorant was this Noble Perſon of any ſuch deſign, and ſo unprepared for the execution of an attempt of that nature, that he went down in an hired Coach, and was forc'd to ſtay there after the Diſſolution of the Parliament, till he ſent to *London* for Horſes, to convey and accommodate him home. Was not the Concourſe at *Oxford* much ſmaller than was reckoned upon, conſidering the Greatneſs and Solemnity of the Occaſion? It cannot be thought, that the Peers of *England*, and the principal Gentry of the Kingdom, ſhould go to ſo *Auguſt* and *Solemn* an Aſſembly, without ſome Menial Servants to attend them. And if the having ſupernumeraries in a Retinue, be Foundation to raiſe a juſt ſuſpition of a Plot, the Lords and Commons to whom ſome give the Character of being more Loyal than the reſt of His Majeſties Subjects, will be moſt liable to ſuſpicion. Our Adverſaries would greatly oblige us, if they would tell us, where the Forces vvere raiſed that vvere to be employed in this Traterous Fact, and hovv they remained inviſible in their coming together, and parting again. It vvas the indiſpenſable duty of His Majeſties Officers, to have diligently enquired after theſe things: And ſurely the Miniſters have had opportunity, as vvell as inclination to have done it long before novv. And vvhereas vve are *told of Fifty men, and thoſe perſons of quality, who had others to attend them, that were*

Ibid. p. 21. *liſted for a Guard to the Earl of* Shaftſbury; *and that Captain* Wilkinſon *was to have the Command of them*: the *Captain*, vvhoſe Word is more valuable than *Booth*'s Oath, does not only deny it, but hath demonſtrated, that ſuch an undertaking vvas inconſiſtent vvith the State of his affairs. Yea, the Wretch, altho' he ſvvears, *That himſelf was one of them, and that he had ac-*

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cordingly provided Arms and a good Stone-horſe; Ibid. p. 21.
Yet he could neither ſay, *That he knew one man of them, or that ever he converſed with any of them.* p. 36. Nor is the perjur'd Rogue able to give the world an account where he bought the *Stone-horſe*, which he pretends to have provided in order to the Deſign, nor in what Stable he kept him to be in a readineſs for that Service. Would our Enemies have the world believe the incredible Crimes wherewith they have gotten us charged? Alas, all men who have either a grain of Wit or Honeſty left, will ſooner look upon them as Malicious and Blood thirſty Impoſtors. It would require a Book, rather than a *Paragraph*, throughly to inſpect and diſcourſe the *matter* which the Witneſſes have Sworn, and from thence to unveil the whole Myſtery, and detect the Forgery of this *Proteſtant* Plot. What can be more ridiculous in it ſelf, or more diſcover the Villany of this Intrigue, than to hear a company of Wretches ſwear, that a prudent and wiſe man has been engaged in a Conſpiracy to deſtroy the Monarchy, and to eſtabliſh a Commonwealth, when the doing it were to ruin himſelf and all the *Peerage* of *England*? No man out of *Bedlam* can be ſo diſtracted, as to embark in a Deſign which would bring himſelf into a level with thoſe above whom he is raiſed, and upon whoſe Reſolves thoſe of his Order and Rank in the preſent Government, have by the Conſtitution a perfect *Negative*. Ambition is that which uſually inſpires men to great and hazardous Undertakings; and he muſt be ſuppoſed a Fool, that would engage in an affair that would leſſen and degrade both himſelf and all his Poſterity, as well as the Nobility of his Country. Nor could he expect any man of Greatneſs and Intereſt to join with him in a Project ſo inconſiſtent with

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their Honour and the Figure which under the Eſtabliſhed Legal Government they make in the State. Nor is the altering the Monarchy into a Commonvvealth more contrary to his Allegiance, than it is repugnant to his Intereſt and thoſe indelible Principles of Civil Knovvledg and Policy vvhich he is imbu'd vvith, and hath alvvays profeſſed. What can be imagined more abſurd, than that the Earl of *Shaftsbury* and the *Proteſtant* Peers and Gentlemen of *England* ſhould combine to accelerate their ovvn ruin in Apprehending and Depoſing the King, vvho is our only Security and Protection againſt *Popery*, Slavery and Arbitrarineſs? Tho' Princes have been ſometimes laid aſide by a diſcontented people, when the people have had a proſpect of bettering their Condition under him who vvas likely to ſucceed; yet never any conſpired to deſtroy a juſt and merciful Prince, to make vvay for one in his room that implacably hated both them and their Religion, and vvho had reſolved and determined their ruin. Nor hath it been ever knovvn, that the ſame Folly and Madneſs (eſpecially when the conſequences have been fatal and deſtructive to the firſt Authors) hath been acted twice in the ſame Age. And therefore the reviving the memory of the late War, inſtead of ſerving to raiſe Fears and Jealouſies of another, doth to all thinking people demonſtrate there can be none, unleſs the *Papiſts* ſhould begin a Rebellion and Maſſacre in *England*, as they did heretofore in *Ireland*; and in ſuch a caſe I know not but that *Proteſtants* may both endeavour to defend their Lives againſt the Swords of their Enemies, and to be revenged upon thoſe bloody men. And were not ſome people forſaken of all Modeſty, as they have abandoned all Truth and Juſtice, they would be aſhamed of filling the Nation with Jealouſies of a new Civil War; unleſs they know of

ſuch

ſuch who are reſolved either to extirpate us, as well as to overthrow all our Rights and Liberties, if by having recourſe to Arms we do not defend both our ſelves and them.

To all that hath been ſaid concerning the Infamy of the Witneſſes, and from the abſurdity of the matter which they have Depoſed, in order to the detection of this forged Conſpiracy againſt *Proteſtants*; we might ſtill render their Teſtimony more palpably falſe, by obſerving how they ſtudiouſly endeavour to put an eſtimate and value upon themſelves, beyond what they are capable of having, and all this in order and ſubſerviency to their being the better believed concerning the Treaſons whereof they had accuſed us. For knowing that there was no reaſon why any Faith ſhould be given unto them, and being apprehenſive they would not be believed, how do they endeavour by Proteſtations and otherwiſe to ſupport and fortifie their own Credit? Accordingly *Smith*, before he entred upon the giving his Evidence againſt the Earl of *Shaftsbury*, deſired leave to wipe off the Aſperſions which lay upon him about *Colledge*'s Trial, (*which words by the by, are left out in the Print*) namely, That whereas it had been reported that he Swore a general Plot againſt the *Proteſtants* and the City of *London*, (*inſtead whereof there is only in the Print, a general Deſign againſt his Majeſty*) he then ſaid that he never ſwore any ſuch thing, neither could he ſwear there was a general Deſign of the City. For not to inſiſt upon this, that he ſwore at *Colledges* Trial, *That* Colledg *told him, the Parliament was agreed to ſeize the King, and that the City was provided*; which is in effect the very things which at the *proceedings* upon the *Bill* againſt the Earl of *Shafts-*

Proceedings at the Old-Bailey, p. 23.

bury, he would have vindicated himself from, as aspersions only cast upon him; I say, not to insist upon this, what else meant that Apology, but that he would have retrieved a credit with the Jury, which he knew he had forfeited, and impose an opinion of his Honesty upon them, being jealous that they might think he had lost all pretensions to any such thing. It is also remarkable, and serves to discover their Falshood in what they swore against the Earl of *Shaftsbury*, that they endeavoured to make themselves valuable and worthy to be trusted by great and wise men, by pretending a knowledg of the Transactions of the world, and affairs of Kingdoms, which as they were never capable of attaining, so they had but betrayed their Folly and Vanity in offering to discourse concerning such things to that knowing and sagacious Peer. For to hear *Hayn*'s depose, *That he gave my Lord* Shaftsbury *an account of all Transactions from King* Charles *the First*'s *Reign, to this very day; and that my Lord was mightily satisfied, pleased and free with him, finding that he was a Traveller*; is as if he should have told all the world, that what he Depos'd against that great man was all Forgery, and that he was only seeking to beget a credulity in the Court, by a vain ostentation of his knowledg in Civil Affairs, and his being qualified to be admitted into the secret and hazardous Counsels of the greatest Statesmen. Alas! an acquaintance with the Occurrences of Princes Reigns, and a being able to declare the affairs of two Regencies in their dependence and order, with the Causes and Reasons of a War which few can penetrate into the grounds of, are not things agreeable to the way of *Hayn*'s Education,

See Colledge's *Trial*, p. 28. 27.

See Proceedings at the Old-Bayly, p. 27.

tion, not to be expected from one that is not wonderfully converſant in the Memoire and Regiſters of Civil matters, and who hath enjoyed an intimate acquaintance with thoſe that were intereſted in the management both of Civil and Military Concernments. Their Malice and Perjury in this whole Affair, are open and palpable, by their indirect and evaſive anſwers to plain and eaſie queſtions. Such was *Booth*'s reply to Mr. *Papillon*, who having ask'd him, whether he knew any of the Fifty men which he had depoſed were liſted under Captain *Wilkinſon*, ſaid, *He never directly knew, or converſed with any of them.* And ſuch alſo was *Haynes*'s reply to the queſtion which was put to him, concerning his having given an Information to a Juſtice of Peace, of a deſign againſt the Earl of *Shaftsbury*: for as he wrigled to and fro a great while, before he could be brought to acknowledg it, the anſwer was neither full nor ingenuous. Again, Their not remembring times and ſeaſons, when ſuch things which they ſwore ſhould be ſpoken, or when they gave in their Informations about them, does proclaim the Witneſſes to be Impoſtors, and whatſoever they depoſed, to be nothing but Forgery. For ſeveral of the things which they declared they could not remember, were ſuch, as it is morally impoſſible they ſhould forget them. Thus *Haynes* could not tell the time when the Earl of *Shaftsbury* ſpake *the Treaſonable words, about making the Duke of* Buckingham *King*: Nor could either *Smith* or *Turberville tell, when they gave in their Informations againſt my Lord, nor whether it was before or after his Commitment. Nay*, Smith *could not tell in what month he did it.* In a word, the Demeanor

Proceed. p. 36.

Ibid. p. 42, 43.

Ibid. 44.

p. 40.

of the Witneſſes carrying things ſo, as if they would *betray* people into a belief of what they ſwore, and their anſwering the queſtions propoſed unto them, either with great difficulty, or with great artifice and cunning, proclaim to all impartial men, that the Deſign upon which they appeared, was very ill, and that they were ſuborned & perjured fellows. There was not that modeſty to be ſeen in their Behaviour, nor that ſimplicity in their Evidence, nor that plainneſs, eaſineſs and directneſs in their Anſwers, which was agreeable to Truth; but their whole carriage, and the manner of their delivering themſelves, was ſtarch't huffing, artificial, and full of trick.

But whereas there is a Paper ſtiled, *An Aſſociation*, pretended to be found, among other Writings, in the Earl of *Shaftsbury's Cloſet*, that morning he was apprehended; upon which, great ſtreſs is laid towards the proving a Conſpiracy of this Lord, and other Proteſtants, againſt His Majeſty and the Government, I ſhall therefore with all that modeſty which becomes me, in reference to perſons in Authority, and yet with all that freedom which the Innocency of Peers and Gentlemen, unjuſtly accuſed, doth require, take this Paper a little into conſideration, and make ſome juſt and modeſt Reflections in reference unto it. An *Aſſociation* for the preſervation of the King and the Proteſtant Religion, if it be duly drawn, and contain nothing in it contrary to the Rights and Prerogatives of His Majeſty, the Priviledges of Parliament, and the Liberties and Property of the People, will neither be found ſo new, nor ſo ſurprifing a thing, as that the Grand Juries of the ſeveral Counties ſhould be influenced and perſwaded to abhor it. For our Anceſtors in Queen *Elizabeths* time, being apprehenſive, that the *Queens* Life, the Peace of the Kingdom, and the Proteſtant Religion, were in danger from the Papiſts,

piſts, upon the hope they had of a Popiſh Succeſſor, in caſe of the Queens Death, they thereupon entred into an Aſſociation, for the preſervation of her Majeſties Life, and the revenging her Death, if ſhe ſhould have periſhed by violent hands; which inſtead of being ridicul'd and declared againſt, was not only unanimouſly ſubſcribed by the moſt conſiderable perſons in the Kingdom, but both approved and ratified by an *Act* of the Parliament that next followed. But whether it was, that our Forefathers loved the *Queen*, and were more zealous for their Religion, than we love his preſent *Majeſty*, and are zealous for *ours*; or whether they thought there was more danger to be feared from *Mary*, Queen of *Scots*, who was then the apparent Popiſh Succeſſor, than we think there is from a Gentleman of the ſame Principles with her, that hath the ſame and more palpable pretences to the Crown, I ſhall not take upon me to determine. However, it is not unknown, that Two ſeveral late Parliaments being convinced of the dangers which His Majeſties Life is in from the Papiſts, that they may accelerate the aſcent of one of their own Communion to the Throne, did after mature Debate, and as a Teſtimony of the greateſt Loyalty they could pay His Majeſty, come to this Reſolve:

Reſolved,

That in defence of the Kings Perſon and Government, and Proteſtant Religion, the Houſe doth declare, That they will ſtand by His Majeſty with their Lives and Fortunes; and that if His Majeſty ſhould come to any violent Death, which God forbid, they will revenge it to the utmoſt on the Papiſts.

Yea, the laſt *Weſtminſter* Parliament, being deeply ſenſible what Plots the *Papiſts* were embark'd in for the Deſtruction

ction of the King, the extirpation of the reformed Religion in these Kingdoms, and the placing the Crown upon the head of a Popish Prince, they ordered a Bill for an *Association* to be brought into the House. And whereas Secretary *Jenkins* deposeth upon Oath, *That tho he heard of such a thing as an Association spoken of about the Town, yet he was not present at the debate, to the best of his remembrance*; I shall only say, that either his memory is very slippery, or there are a great many Gentlemen who have remembred more than is true. For it is not only said, that he was present at the Debate, but that he opposed the *Bill* as well as he could; and we may be sure no man could do it better, seeing as he said upon another occasion, he had been all his days employ'd not only in the study of the Laws of his Country, but in the Laws of Nations. There is a story which I do not in the least intend to apply to Sir *L.* for it may be applicable to others for misrepresenting him. But the story is, That a Priest being accused after the Assassination of *Henry* the fourth of *France*, for having heard in Confession from *Ravilliack*, that he intended to murder that great and generous Prince, replied that among other mercies which God had bestowed upon him, *He had given him the gift of forgetfulness*. But to return; as there was such a Bill brought into the House of *Commons*, so it is not only very likely that there were several Copies of it, but we may rationally imagine that there might be several Draughts of Bills prepared, before one could be pitched upon, that would be agreeable to the fundamental Laws of the Land, effectual for the preservation of his Majesty, and the *Protestant* Religion, & becoming the Wisdom of that House. And as Mr. *Attorney General* hath been pleased to acknowledg to some Gentlemen, That among other papers seized in the Earl of *Shaftsbury's*

Proceed. p. 34.

bury's Closet, which were brought to him, there were two or three *Bills* of *Association* different from that read and committed in the House of Commons; all which we may suppose to have contained nothing but what was safe, seeing there have been no endeavours to make my Lord guilty of High Treason upon them; so who knows, but that if this Paper which was read in Court, was found in his Lordships Closet, but that it might be a Draught of a *Bill* for an *Association*, which this Noble Peer as much abhorred as any Country-Jury could. Nor is this so wild a Phansie, as some men out of weakness of understanding, or prejudice of mind, may believe; for seeing there was nothing in the Indictment against this Noble Peer, that either related unto, or was grounded upon this *Paper*, we may very rationally conceive, that the omitting it was built upon some such Reason as we have now suggested. For if one of the ends of the Association aim'd at, be, as my *Lord Chief Justice North* was pleased to inform the Jury, *not only to destroy the Mercinary Forces in and about the City of* London *and* Westminster, *but to settle the Authority in the Major part of the Members of Parliament during the sitting of it, exclusive of the King*; I can see no reason, unless the Managers knew that they could make nothing of that Paper before wise and honest men, as truly knowing of my Lord *Shaftsbury's* unconcernment in it, why the Indictment should not rather have been superstructed upon it, than upon the Testimony of any of the Oral Witnesses. But besides all this, the bare having a Treasonable Paper in a mans house, which as possibly he knew not whence it came, so he never communicated it to any, to the prejudice of his Majesty and the Government, is not so criminal a matter, as men sway'd meerly by Passion and Hatred, do believe it to be. And were the having seen an ill Paper, or its being found

in

in a mans Closet, to be expiated with no less than his life, may be very few, even of those that are so clamourous against the Earl of *Shaftsbury*, would prove innocent, or find themselves to be safe. But what if after all the obloquy which this Noble Lord hath undergone, in reference to that Paper, it should appear that he never saw it, nor hath any cause to think it was there, where it was pretended to be found? And I shall the rather enquire into this, and endeavour to unfold it, because my L. C. J. *North* declared, *There was a great matter to be presumed upon it*, it having been found under lock and key in my Lords Study.

For as Mr. *Gwyn* who seized the Paper, *would not say, that it is the Earl of* Shaftsbury's *hand*, tho' if he had pleased, he could have said positively that it was not his hand; so I am apt to think, that upon a thorough enquiry into the conduct of this affair, we shall not find reason to be confident, that it was found in my Lords Study. Nay Mr. *Gwyn* cannot positively swear as *to that Paper in particular*, That *it was taken in the Earl of* Shaftsbury's *Closet*; *only swears in general, that the Papers which were put up in a velvet Bag, were seized there.* And it is remarkable, that whereas Mr. *Gwyn* deposeth, *That as soon as he came to* Thanet-House, *my Lord gave him the keys of his Closets, and told him where they were*; this could no ways be, seeing the key of one of them, namely, that below stairs, was always kept by some or other of his Lordships Servants; so that Mr. *Gwyn* could at most but receive it by my Lords order. And as one or other of the Earl of *Shaftsbury's* Servants had constantly the keeping of the key of the lower Closet, so there were always many Papers of their own in it, it being the Room where they manage most

Ibid. p. 34.

Ibid.

p. 14.

moſt of their Buſineſs. But that which is moſt ſurprizing of all, is, That Mr. *Gwyn* ſwears, *There were none preſent when he put up the Papers beſides himſelf, but my Lords own Servants*; whereas it can be proved by unqueſtionable Witneſſes, that there were no fewer than five or ſix, ſuch as he brought along with him in the Cloſet when he was there, and as buſie in putting up Papers as himſelf. And that which ſtill encreaſeth our Suſpition, that things are not ſo fair in this matter, as they are repreſented, is, That my Lord having offered to put his Seal on the Trunk, provided he might firſt *ſchedule* and inventory the Papers; Mr. *Gwyn* poſitively refuſed to allow him that Favour, I will not ſay Right and Juſtice. And this is a Conſideration of that Importance, that if duly ponder'd, my Lord will not be found, according to Law and Equity, accountable for any Paper that was pretended to be taken there. For no man ought to be called to anſwer for Writings ſaid to be ſeized in his houſe, to whom the ſcheduling of them was refuſed. When Monſieur *Fouket* was committed by the *French* King, and all endeavours uſed to put him to death for Crimes againſt his Maſter, which they alledged his own Papers were ſufficient to convict him of, yet becauſe they had been taken from him without allowing him to endorſe and inventory them, the evidence againſt him from his Writings was rejected and judged weak and invalid upon that alone account. And yet all the World knows that as the *French* Monarch is more abſolute, and leſs merciful than our King, ſo their Laws are not more tender of the lives of the Subjects, than ours are. But that ſome men can allow themſelves a great latitude in ſwearing when it is ſubſervient to a Deſign, appears in that *Mr.* Blathwvait *not only ſwears that that Paper was put into his*

hand by Mr. Gwyn *Clerk of the Council, but that*
p. 13. *Mr.* Gwyn *had ſeiſed it among others in my Lord* Shaftsbury's *houſe*; whereas Mr. *Blathwaite* not having been there when the Papers were taken, could have only Depoſed, had he been careful in what he ſaid, that Mr. *Gwyn* told him ſo. How could he that was not there, Swear ſo particularly that ſuch a Paper was found in my Lord's *Cloſet*, unleſs he ſwore implicitely and upon the inſtruction of another? He might as well have taken his Oath, that they who went to apprehend the Earl of *Shaftsbury*, carried Papers along with them thither, as that they found that Paper there and brought it thence.

And whereas Mr. *Blathwaite* further ſwears,
Ibid. p. 13. *That the Trunk wherein the Papers were, which was committed to his keeping by Mr.* Gwyn, *was ſealed, and that it was opened in the preſence of Mr.* Wilſon *and Mr.* Starkey: This ſeems to be ſaid only by way of Artifice, to obtain belief, that the Paper ſtiled *an Aſſociation*, was truly found among my Lord *Shaftsbury*'s writings, ſeeing if the Trunk was ſealed, neither my *Lord* or any of his Servants knew of the ſealing of it; and they who had the Trunk, had alſo the Seal wherewith it is ſaid to have been ſealed, in their own cuſtody, and might accordingly open it, and either put in or take out what they pleaſed. Upon the whole, Did this Paper contain in it the moſt Treaſonable things imaginable, yet it doth not appear that the Earl of *Shaftsbury* is accountable for it; or that it is fair, juſt, or candid, to bring it in Evidence againſt him upon a charge of High-Treaſon, with a deſign and expectation to take away his Life by vertue of it.

There is one thing more relating to the proceedings againſt

gainſt the Earl of *Shaftsbury*, which requires ſome Reflections upon it; and that is concerning the manage and conduct of that buſineſs in the *Old-Baily*. I will not uſurp that *French Term* which hath been lately naturalized in one of our High Courts of Juſtice, and ſay that there was *Chicanery* in it; but things do not appear to have been carried with that equality and impartialneſs betwixt the King and ſo great and deſerving a Subject, as the Law and common Uſage do direct unto, and preſcribe. No kind of procedure is further for the King's Honour and Intereſt, than as it is according to Law, vvhich is the ſtandard of the King's Prerogative, Glory and Safety, as well as the Rule by which we are to be protected in our Reputations and Lives if innocent, as well as caſt and convicted, if upon Trial we be found to have Capitally offended. Whatſoever wrong is done againſt any of His Majeſty's Subjects, in the ſenſe of the Law done againſt the King and the Honour of His Government; ſeeing he is the Spring and Fountain of Juſtice to all his People. And it is a great Aſperſion upon the Juſtice as well as Goodneſs of his Majeſty, to have things ſo tranſacted, as if the King were more concerned to have a perſon that is barely accuſed found guilty, than he is to have him appear and be pronounced Innocent. The vindication and defence of the Guiltleſs, is more the Princes Glory and Intereſt, than the Conviction and Condemnation of the Criminal. And when any perſon comes to be accuſed, all that is for the Honour of the King, is to have the Truth diſcovered, and Juſtice impartially take place. And whoſoever are produced by the Proſecutors to prove an Accuſation or Charge, they are no further for the King, tho' they be called the King's Evidence, than as they declare the truth, and nothing but the truth. And if ſuch Fellows be

found, or justly suspected to swear falsely against the Lives of His Majesties Subjects, they are in reality Witnesses against the King, by endeavouring to destroy his Loyal People, pervert his Justice, and bring his Person and Throne under the Guilt of shedding the Blood of Innocents. Now whereas there are several *Statutes*, upon which a person is liable to be Indicted for Treason; namely, that of the 25. *Edw.* 3. and that of the 13. of this King, it is no less necessary than just, that the party accused should know upon which of those two *Statutes* he is Presented and Charged. For seeing the *one* limiteth both the time of Prosecution and the time of Indictment, while the *other* leaves the time unfixed and indefinite, it is requisite, that the Jury, who are to enquire upon the *Bill* that stands preferred before them, should distinctly understand upon which of those Law the party is *Indicted*; for otherwise they cannot tell, whether the Offences whereof he is accused, fall within the time which the *latter* of those *Laws* does prescribe and determine.

Proceedings at the *Old Baily*, p. 33.

For tho' as my Lord Chief Justice truly said, *That what is Treason by the* Statute *of* 25. Edw. 3. *is likewise Treason within the* Statute *of the* 13. *of this King*, yet this last Statute provides, *That no person or persons, shall by Vertue of that Act, incur any of the penalties therein mentioned, unless he or they be prosecuted within Six months next after the Offence committed, and indicted thereupon within Three months after such prosecution.* Whereas the former Statute of the 25. *Edw.* 3 leaves both the Prosecution and Indictment at the pleasure of the Prosecutor, whether he will do it sooner or later. And the declaring, upon which of these Statutes the Earl of *Shaftsbury* was Indicted, was the more needful and material in this case,

caſe, because the time prefixed by the latter *Statute* was elapſed divers weeks, before any Bill of Indictment was preferred againſt him. Nor could a Jury upon the beſt Evidence of the world, find a Bill againſt him, ſuppoſing it grounded upon that *Statute*, ſeeing the Indictment was not preferred within Three months after my *Lord's Commitment*, which in the Language and Senſe of our Law, is a Proſecution. Yea, the making it diſtinctly known, upon which of theſe two *Acts* this Noble Peer was *Indicted*, was yet of more concernment to him, as to his ſafety, and more needful to the *Jury*, for the Guidance and Conduct of themſelves in what they were about, ſeeing words may be brought in, as Evidence of Treaſon upon the *one* Statute, but ſignifie nothing, without ſome further Overt-Act, upon the *other*. For as my *Lord Chief Juſtice* very well ſaid, *The latter Law had greatly altered the former, eſpecially in two caſes: Firſt, as to the levying of War, and the compaſſing of the King's Death, theſe were not Treaſons before, unleſs War had been actually levied, and the deſigning the King's Death had been declared by an Overt-Act. Secondly, That the impriſoning, or reſtraining the Liberty of the King, were not of themſelves alone high Treaſon by the old Statute, but were now made Treaſon by this laſt Law, during His Majeſties Life.* And as his Lordſhip added, *That formerly it had been ſaid, and truly enough, That words alone would not make Treaſon; but by this late Act, words, if they import any malicious deſign againſt the King's Life and Government, or any Traiterous intention in the party, ſuch words are Treaſon within this Act.* Therefore the Evidence brought againſt the Earl of *Shafts bury*, being principally concerning words which he was ſaid to have ſpoken, the tenderneſs which the Adminiſtrators of publick Juſtice

Proceed. at the *Old Baily*, p. 34.

ought

ought to maintain for the Lives of all men, and the Integrity which they ſhould preſerve in the Execution of the Laws, ſhould have obliged them to have been particular and diſtinct in publiſhing upon which of the two Laws this Noble Peer was indicted. For if he was indicted upon the firſt, then bare words without an over-act, were not to be allowed in proof of the Treaſons whereof he was accuſed; and if he vvas indicted upon the ſecond, then the *Jury* vvas to take no Cognizance of words ſpoken, vvithout the Circle and Compaſs of the time appointed by the Lavv, for proceeding againſt him. Nor doth the examining the Witneſſes in Court, leave any great Reputation upon the Managment of this Affair. For ſeeing our Anceſtors made it no leſs than Treaſon or Felony for a Grand Jury to diſcover who was indicted before them, or what evidence was given them, it is a moſt irrefragrable Argument, that Witneſſes uſed not anciently to be examined in open Court. And it ſeems ſomething ſtrange, that another way of procedure ſhould be choſen againſt a *Proteſtant* accuſed of Treaſon, than hath at any times been uſed againſt Papiſts, indicted of the like Crime. And foraſmuch as Bills are to be returned only by the Grand Jury, as found or not found, ſo it would ſeem very rational, that they only are to be acquainted with the Depoſitions upon which the Opinion or Verdict are given. The *Jurors Oath*, namely, *That the Kings Council, his fellows, and his own, he ſhall keep ſecret*, tells us what was the ancient uſage in this particular. And whereas it was ſaid, *That a Grand Jury is bound to conceal the Kings ſecrets, ſo long as he will have them kept ſecret, but that it doth not deprive the King of the benefit of having them publick.* This ſeems not to have been ſpoken by one that had well conſidered what he ſo openly

Proceed. p. 7.

openly delivered. For the King cannot alter or change the uſual or common Proceedings of our judicial Courts. Law and Cuſtom hath both ſetled the power of Juries, and the methods wherein they are to proceed in their Enquiries in order to a Verdict; and the King can neither enlarge or leſſen the firſt, nor yet appoint them to vary in the ſecond. But ſeeing my *Lord Chief Juſtice North* hath been pleaſed to tell us, *That the Judges having agreed, that the Witneſſes ſhould be examined publickly, we are therefore to acquieſce*, we ſhall readily obey him, being perſwaded that they did in this and all other things, as men that had a regard to their Oath, and not as men bound to their good behaviour, by holding their places *durante beneplacito*. However we may make this uſe of it, namely, that the Witneſſes being taken by a Jury of wiſe and ſubſtantial men, to have foreſworn themſelves in the face of the Kingdom, we may not only henceforth look upon them as a company of infamous Raſcals, but we may very well expect, that the *Attorney General* ſhould proſecute them in his Majeſties Name, for combining to deſtroy innocent perſons. But that which doth moſt ſurprize all men, in reference to the management of this Affair at the *Old Baily*, was the Kings Council appearing in Court to lead the Witneſſes, and not only open, but enforce the evidence. For a Perſon barely indicted, ſtands in the ſenſe of the Law probably innocent, till the Bill be found; and therefore no man till then ought to countenance one ſide more than another. And for the Kings Council to intereſt themſelves ſo far upon a bare Accuſation, as to make the King a Party for, or againſt the Perſon who ſtands charged, would ſeem to intimate, that there was ſomething elſe at the bottom of this affair, than meerly to have truth or falſehood appear. How eaſie is

Ibid. p. 8.

it

it by a leading question, both to prompt and direct a Varlet what to say? And what encouragement do Mercinary Wretches take to accuse innocent persons, with boldness and impudence, when they find themselves countenanced in what they swear? How pleasantly did it look, that when *John Macknamarra* had so far shut up his Evidence against the Earl of *Shaftsbury*, as to affirm, he could *remember nothing more*, to have Sir *Francis Withins* afterwards ask him, *Did you not hear any thing about deposing the King?* and *Macknamarra* thereupon to add, *Yes, he said, the King deserved to be deposed, as much as ever* Richard *the Second did.* Such things are not for the Honour of the Government, and may subject them that did them, to the Justice of the Law, which it is to be feared, they would have perverted in the Case of my Lord of *Shaftsbury.*

Proceed. at the *Old Baily*, p. 28.

I thought to have subjoined an account of the *Additions, Substractions* and *Alterations* in the Printed Account of *the Proceedings upon the Bill against the Earl of* Shaftsbury, as they have been compared with the *Manuscripts* which were taken by some of the best Short-hand Writers about the Town: But this Discourse being arisen already to a greater length than was intended, I shall wholly decline the encreasing it by things that are not essential to the vindication of our Innocency, and which possibly would only reflect upon the *Amanuenses* whom the Prosecutors employed. And therefore instead of that, I shall chuse to give the world some further light concerning the affair of the Earl of *Argyle*, his Case being a pattern of what our own may come to be, if the Counsels of a certain Gentleman in the *North* do prevail. No Person of Quality in the Kingdom of *Scotland* had served His Majesty

jeſty with greater Loyalty and Zeal when the King's Affairs were loweſt, than this Gentleman did. And accordingly his Majeſty, who when left to act ſuitably to his temper and inclinations, never forgets the good Offices of his Friends, was pleaſed to teſtifie what ſenſe he had of my Lord *Lorn*'s Services by a Letter directed from *Collen*, December 20. 1654. in which having told this Lord, *How he had heard from* Middleton, *what Affection and Zeal he had ſhewn to his Service, and how conſtantly he adhered to him in all his Diſtreſſes; His Majeſty was pleaſed graciouſly to add, that he ſhould find him very juſt and kind in rewarding what he had done and ſuffered for him.* But what this Earl acted and underwent for the King, when his Lordſhip's Father and almoſt all the *Scotch* Nation had either fallen in with or ſubmitted to the Uſurpers, will better appear by a Paper under *Middleton*'s hand, which I ſhall here annex.

John Middleton *Lieutenant-General next and immediate under His Majeſty, and Commander in Chief of all the Forces raiſed and to be raiſed within the Kingdom of* Scotland.

Seeing the Lord Lorn *hath given ſo ſingular proofs of his clear and perfect Loyalty to the King's Majeſty, and of pure and conſtant Affection to the good of His Majeſty's Affairs, as never hitherto to have any ways complied with the Enemy, and to have been principally Inſtrumental in the enlivening of this late War, and one of the chief and firſt Movers in it; and hath readily, chearfully and gallantly engaged, and reſolutely and conſtantly continued active in it, notwithſtanding the many powerful Diſſwaſions, Diſcouragements and Oppoſitions he hath met with from divers hands; and hath in the carrying on of the Service ſhewn ſuch ſignal Fidelity, Integrity, Generoſity, Prudence, Courage and Con-*

duct, and such high Vertue, Industry and Ability, as are suitable to the Dignity of his Noble Family, and the Trust His Majesty reposed in him; and hath not only stood out against all Inducements, Temptations and Enticements; but hath most nobly crossed and repressed Designs and Attempts of deserting the Service, and persisted Loyally and firmly in it to the very last, through excessive Trials and many great Difficulties, and misregarding all personal Inconveniencies, and chusing the loss of Friends, fortune and private concernments; and to endure the utmost Extremities, rather than to swerve in the least from his Duty, or taint his Reputation with the meanest shadow of Disloyalty or Dishonour. I do therefore hereby testifie and declare, that I am perfectly satisfied with his whole deportments in relation to the Enemy and their late War; and do highly approve them, as being not only above all I can express of their worth, but almost beyond all parallel, &c.

John Middleton.

What his after-Sufferings for His Majesty were, and how he continued six years a Prisoner under the Usurpers for his Loyalty to the King, I shall content my self to have only barely suggested them. And as no man in all *Scotland* was more capable of serving his Prince, both by reason of the greatness of his Parts, the height of his Quality, and the largeness of his Interest, than this Noble Lord; so no person of one degree or another, hath at all times, and in various Employments and Trusts, more approved his Zeal and Loyalty to the King's Person and Government, than he hath constantly done since His Majesties Restoration. And if he have offended in any thing, it is by an excess of compliance with his Majesties

jeſties Will, having as himſelf declared in his *Speech* at his *Arraignment*, *ſerved him all along after his own way and manner*. Nor can any wiſe man believe that what he was accuſed of High-Treaſon for, was either a Crime in it ſelf, or would have been charged upon this Earl as an Offence, if His Majeſties preſent *Commiſſioner* in *Scotland*, had not upon ſome hidden and more important motive and inducement, conceived an implacable hatred againſt him. For the declining to ſwallow the *Teſt* abruptly, and without ſuch limitations as might give it both a determinate and a legal ſenſe, cannot be imagined to be more criminal, than altogether to refuſe it; which not only many of the Conformable *Clergy*, but divers Peers and Gentlemen, without being accuſed of High Treaſon, have done. And ſurely it was more becoming a man of Honour and a Chriſtian, to declare plainly and openly, in what ſenſe he could, and was ready to take it, *than to take it with a pious and devout ignorance*, as another Lord of His Majeſties Privy-Council did. And as the Council's publiſhing an Explanation of it, is an unanſwerable Argument, that it required ſome Explication, towards the reconciling it to its ſelf and the Laws of the Land; ſo wiſe men are apt to think, that it is as lawful for a perſon to explain it for himſelf, as for them to take upon them to explain it for others. But it ſeems very ſtrange, that it ſhould be Treaſon in the Earl of *Argile*, to declare in what Senſe he would take it, when at the ſame time others have been allowed to put Senſes and Conſtructions of their own upon it, which were more remote from the meaning of the words than his were. But that the World may be both able to judg of that Affair, and of the hard and unpreſidented uſage which this Noble perſon hath met with, I ſhall *firſt* ſubjoin the *Explanation* of the *Teſt*, for which he was Accuſed and Condemned of

High Treason. *Secondly*, I shall annex an *Explication* which he had prepared of that *Explanation*, and which he threw into such a Texture with the words of the latter, that being read interwoven together, his purpose, meaning and design, will not only more clearly appear, but justifie themselves to the minds of all rational men. And I shall add in the last place the *Opinion* of several of the best Lawyers in *Scotland*, concerning the Case of this Great and Loyal Peer.

The Earl of Argile's Explanation *of the* Test.

I Have consider'd the Test, and I am very desirous to give obedience as far as I can. I'm confident, the Parliament never intended to impose Contradictory Oaths: Therefore I think, no body can explain the Test but for himself. I take it, as far as it is consistent with it self and the Protestant Religion. And I do declare, That I mean not to bind up my self in my Station, and in a lawful way, to wish and endeavour any alteration I think to the advan-

vantage of Church or State, not repugnant to the Protestant Religion and to my Loyalty. And this I understand, as a part of my Oath.

The Earl of Argile's Explication *of his* Explanation *of the* Test.

I Have consider'd the Test, *and have seen several objections moved by others against it*; and I am very desirous, *notwithstanding of all that I have seen or heard*, to give obedience *in this and every thing*, as far as I can. I am confident, *whatever scruples any man doth raise*; The Parliament never intended to impose Contradictory Oaths. *And because their sense and genuine meaning is the true sense, and seeing the Test that is enjoined is of no private Interpretation, nor are the Kings Statutes to be interpreted otherwise than as they bear to the intent they are made*; Therefore I think no body, *that is to say no private person*, can explain the Test *for another*, But *every man* for himself, *as he understands it to agree with and suit the Parliaments sense, which is the true sense*. I take it, *notwithstanding all these scruples made by any*, As far as it is consistent with it self, and *which is indeed wholly in the Parliaments sense and true meaning, which was the securing* the Protestant Religion *founded on the word of God, and contained in the Confession of Faith recorded Parl.* 1. *Ja.* 6. And I declare *that by that part of the Test, viz. that there lyes no obligation on me, &c.* That I mean not

to

to bind up my ſelf in my ſtation, and in a lawful way, *ſtill diſclaiming all unlawful endeavours* To wiſh and endeavour any Alteration I think *according to my Conſcience and Allegiance* To the advantage of Church or State, not repugnant to the Proteſtant Religion, nor my Loyalty, *which I underſtand no otherwiſe but the duty and allegiance of loyal and faithful ſubjects.* And this *Explanation* I underſtand as a part *not of the Teſt nor Act of Parliament, but* of my Oath *that I am to ſwear, and with it I am willing to take the Teſt, if your R. H. and Lo. allow me it, or otherways in ſubmiſion to the Act of Parliament and your R. H. and the Council's pleaſure, am content to be held a Refuſer at preſent.*

The *Opinion* of the *Lawyers* about the Earl of *Argyle*'s Caſe.

WE have conſidered the Criminal Letters raiſed at the inſtance of His Majeſties Advocate againſt the Earl of Argyle, *with the Acts of Parliament contained and warranted in the ſame Criminal Letters, and have compared the ſame with a Paper or Explication which is Libelled to have been given in by the Earl of* Argyle *to the Lords of His Majeſties Privy Council, and owned by him as the ſenſe and explication in which he did take the Oath impoſed by the late Act of Parliament; and which Paper is of this Tenor,* I have conſidered the Teſt, and am very deſirous, *&c. And likewiſe having conſider'd, that the Earl after he had taken the Oath, with the explication and ſenſe then put upon it, it was acquieſced to by the Lords of the Privy Council, and the Earl allowed to take his place, and ſit and vote. And that before the Earl's taking of the Oath, there were ſeveral Papers*

ſpread

ſpread abroad containing Objections and alledged Inconſiſtencies and Contradictions in the Oath. And that ſome thereof by Synods and Presbyteries of the Orthodox Clergy, to ſome of the Biſhops of the Church. It is our humble Opinion, that ſeeing the Earl's deſign and meanin in offering the ſaid Explication was allenarly for clearing of his own Conſcience, and is of no contravention of the Laws and Acts of Parliament, and doth not at all import the Crimes Libelled againſt him; viz. Treaſon, Leiſing-making, Depraving of His Majeſties Laws, or the Crime of Perjury: But that the Gloſſes and Inferences put by the Libel on the ſaid Paper, are altogether ſtrained, and unwarrantable, and inconſiſtent with the Earl's true Deſign, and the Sincerity of his meaning and intention in making of the ſaid Explication.

FINIS.